

By Senator Garcia

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1 A bill to be entitled
2 An act relating to the Department of Health; providing
3 for a type two transfer of the administration of the
4 Nursing Student Loan Forgiveness Program from the
5 Department of Health to the Department of Education;
6 amending s. 20.43, F.S.; revising the duties of the
7 Department of Health; revising the duties of the State
8 Surgeon General; eliminating the position of Officer
9 of Women's Health Strategy; revising the divisions of
10 the Department of Health; including emergency medical
11 technicians and paramedics in the professions
12 regulated by the Division of Health Care Regulation,
13 rather than the Division of Medical Quality Assurance;
14 amending s. 20.435, F.S.; renaming the Medical Quality
15 Assurance Trust Fund as the "Health Care Regulation
16 Trust Fund"; eliminating the Florida Drug, Device, and
17 Cosmetic Trust Fund and the Nursing Student Loan
18 Forgiveness Trust Fund; amending ss. 202.125, 212.08,
19 and 310.102, F.S.; conforming provisions to changes
20 made by the act; amending s. 381.0011, F.S.; revising
21 duties of the Department of Health with regard to the
22 state's public health system to include the awarding
23 of funding through competitive grants; amending s.
24 381.0046, F.S.; renaming the Bureau of HIV and AIDS as
25 the "Bureau of Communicable Diseases"; amending ss.
26 381.0065 and 381.0101, F.S.; renaming the Division
27 Director for Environmental Health within the
28 Department of Health as the "Bureau Chief for
29 Environmental Health"; repealing s. 381.04015, F.S.,

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30 relating to the Officer of Women's Health Strategy;
31 amending s. 381.4018, F.S., relating to physician
32 workforce assessment and development; conforming
33 provisions to changes made by the act; repealing s.
34 381.855, F.S., relating to the Florida Center for
35 Universal Research to Eradicate Disease; repealing s.
36 381.895, F.S., relating to standards for compressed
37 air used for recreational diving; repealing s. 381.90,
38 F.S., relating to the Health Information Systems
39 Council; repealing s. 385.210, F.S., relating to
40 arthritis prevention and education; amending s.
41 391.028, F.S.; authorizing the Director of Children's
42 Medical Services to appoint a division director;
43 repealing s. 391.221, F.S., relating to the Statewide
44 Children's Medical Services Network Advisory Council;
45 amending s. 392.51, F.S.; specifying that the delivery
46 of tuberculosis control services is best accomplished
47 by the coordinated efforts of the respective county
48 health departments, a hospitalization program
49 administered by the department, and the private health
50 care delivery system, rather than the A.G. Holley
51 State Hospital; amending s. 392.56, F.S., relating to
52 the hospitalization of tuberculosis patients;
53 conforming provisions to changes made by the act;
54 amending s. 392.62, F.S.; requiring that the
55 Department of Health place persons who have active
56 tuberculosis in hospitals licensed under ch. 395,
57 F.S.; deleting a provision that authorizes the
58 department to operate a licensed hospital for the care

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59 and treatment of persons who have active tuberculosis;
60 requiring that a licensed hospital under contract with
61 the department for the care and treatment of patients
62 who have active tuberculosis perform certain revised
63 duties; conforming provisions to changes made by the
64 act; amending s. 392.69, F.S.; deleting provisions
65 regarding the department's authorization to use money
66 that it has acquired for the construction or
67 maintenance of additional facilities or improvements
68 to existing facilities for the care and treatment of
69 persons who have tuberculosis; conforming provisions
70 to changes made by the act; amending ss. 395.1027 and
71 400.914, F.S., relating to regional poison control
72 centers and pediatric extended care centers;
73 conforming provisions to changes made by the act;
74 amending s. 409.256, F.S.; correcting a reference to
75 the Office of Vital Statistics; amending ss. 415.1055,
76 456.001, 456.013, 456.025, 456.061, and 474.221, F.S.;
77 conforming provisions to changes made by the act;
78 including persons licensed to provide medical
79 transportation services within the definition of the
80 term "health care practitioner" for purposes of
81 regulation under ch. 456, F.S.; repealing s. 458.346,
82 F.S., relating to the Public Sector Physician Advisory
83 Committee; amending s. 553.73, F.S.; requiring that
84 the Florida Building Code contain provisions or
85 requirements for facilities relative to sanitation;
86 amending ss. 633.115, 768.28, 1009.66, 1009.67, F.S.;
87 conforming provisions to changes made by the act;

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88 providing effective dates.

89
90 Be It Enacted by the Legislature of the State of Florida:

91
92 Section 1. Type two transfer from the Department of
93 Health.—

94 (1) Effective July 1, 2012, all powers, duties, functions,
95 records, offices, personnel, associated administrative support
96 positions, property, pending issues, existing contracts,
97 administrative authority, administrative rules, and unexpended
98 balances of appropriations, allocations, and other funds
99 relating to the Nursing Student Loan Forgiveness Program in the
100 Department of Health are transferred by a type two transfer, as
101 defined in s. 20.06(2), Florida Statutes, to the Department of
102 Education.

103 (2) Effective July 1, 2012, the Nursing Student Loan
104 Forgiveness Trust Fund is transferred from the Department of
105 Health to the Department of Education.

106 (3) Any binding contract or interagency agreement related
107 to the Nursing Student Loan Forgiveness Program which existed
108 before July 1, 2012, between the Department of Health, or an
109 entity or agent of the agency, and any other agency, entity, or
110 person shall continue as a binding contract or agreement for the
111 remainder of the term of such contract or agreement on the
112 successor department, agency, or entity responsible for the
113 program, activity, or functions relative to the contract or
114 agreement.

115 (4) Notwithstanding ss. 216.292 and 216.351, Florida
116 Statutes, upon approval by the Legislative Budget Commission,

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117 the Executive Office of the Governor may transfer funds and
118 positions between agencies to implement this act.

119 (5) The transfer of any program, activity, duty, or
120 function under this act includes the transfer of any records and
121 unexpended balances of appropriations, allocations, or other
122 funds related to such program, activity, duty, or function.
123 Unless otherwise provided, the successor organization to any
124 program, activity, duty, or function transferred under this act
125 shall become the custodian of any property of the transferred
126 program, activity, duty, or function.

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

129 20.43 Department of Health.—There is created a Department
130 of Health.

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

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

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

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

150 (d) Maintain and coordinate preparedness for and responses
151 to public health emergencies. Promote the maintenance and
152 improvement of the environment as it affects public health.

153 (e) Provide or ensure the provision of quality health and
154 related services to identified populations. Promote the
155 maintenance and improvement of health in the residents of the
156 state.

157 (f) Regulate environmental activities that have a direct
158 impact on public health. Provide leadership, in cooperation with
159 the public and private sectors, in establishing statewide and
160 community public health delivery systems.

161 (g) Regulate health practitioners, to the extent authorized
162 by the Legislature, as necessary for the preservation of the
163 health, safety, and welfare of the public. Provide health care
164 and early intervention services to infants, toddlers, children,
165 adolescents, and high-risk perinatal patients who are at risk
166 for disabling conditions or have chronic illnesses.

167 (h) Provide services to abused and neglected children
168 through child protection teams and sexual abuse treatment
169 programs.

170 (i) Develop working associations with all agencies and
171 organizations involved and interested in health and health care
172 delivery.

173 (j) Analyze trends in the evolution of health systems, and
174 identify and promote the use of innovative, cost effective

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175 ~~health delivery systems.~~

176 ~~(k) Serve as the statewide repository of all aggregate data~~
177 ~~accumulated by state agencies related to health care; analyze~~
178 ~~that data and issue periodic reports and policy statements, as~~
179 ~~appropriate; require that all aggregated data be kept in a~~
180 ~~manner that promotes easy utilization by the public, state~~
181 ~~agencies, and all other interested parties; provide technical~~
182 ~~assistance as required; and work cooperatively with the state's~~
183 ~~higher education programs to promote further study and analysis~~
184 ~~of health care systems and health care outcomes.~~

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

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

193 ~~(2)(a) The head of the Department of Health is the State~~
194 ~~Surgeon General and State Health Officer. The State Surgeon~~
195 ~~General must be a physician licensed under chapter 458 or~~
196 ~~chapter 459 who has advanced training or extensive experience in~~
197 ~~public health administration. The State Surgeon General is~~
198 ~~appointed by the Governor subject to confirmation by the Senate.~~
199 ~~The State Surgeon General serves at the pleasure of the~~
200 ~~Governor. The State Surgeon General shall serve as the leading~~
201 ~~voice on wellness and disease prevention efforts, including the~~
202 ~~promotion of healthful lifestyles, immunization practices,~~
203 ~~health literacy, and the assessment and promotion of the~~

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204 ~~physician and health care workforce in order to meet the health~~
205 ~~care needs of the state. The State Surgeon General shall focus~~
206 ~~on advocating healthy lifestyles, developing public health~~
207 ~~policy, and building collaborative partnerships with schools,~~
208 ~~businesses, health care practitioners, community-based~~
209 ~~organizations, and public and private institutions in order to~~
210 ~~promote health literacy and optimum quality of life for all~~
211 ~~Floridians.~~

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

215 (3) The following divisions of the Department of Health are
216 established:

217 (a) Division of Administration.

218 (b) Division of Emergency Preparedness and Community
219 Support Environmental Health.

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

221 (d) Division of Community Health Promotion Family Health
222 Services.

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

224 (f) Division of Public Health Statistics and Performance
225 Management Emergency Medical Operations.

226 (g) Division of Health Care Regulation ~~Medical Quality~~
227 ~~Assurance~~, which is responsible for the following boards and
228 professions established within the division:

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

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

231 3. The Board of Osteopathic Medicine, created under chapter
232 459.

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- 233 4. The Board of Chiropractic Medicine, created under
- 234 chapter 460.
- 235 5. The Board of Podiatric Medicine, created under chapter
- 236 461.
- 237 6. Naturopathy, as provided under chapter 462.
- 238 7. The Board of Optometry, created under chapter 463.
- 239 8. The Board of Nursing, created under part I of chapter
- 240 464.
- 241 9. Nursing assistants, as provided under part II of chapter
- 242 464.
- 243 10. The Board of Pharmacy, created under chapter 465.
- 244 11. The Board of Dentistry, created under chapter 466.
- 245 12. Midwifery, as provided under chapter 467.
- 246 13. The Board of Speech-Language Pathology and Audiology,
- 247 created under part I of chapter 468.
- 248 14. The Board of Nursing Home Administrators, created under
- 249 part II of chapter 468.
- 250 15. The Board of Occupational Therapy, created under part
- 251 III of chapter 468.
- 252 16. Respiratory therapy, as provided under part V of
- 253 chapter 468.
- 254 17. Dietetics and nutrition practice, as provided under
- 255 part X of chapter 468.
- 256 18. The Board of Athletic Training, created under part XIII
- 257 of chapter 468.
- 258 19. The Board of Orthotists and Prosthetists, created under
- 259 part XIV of chapter 468.
- 260 20. Electrolysis, as provided under chapter 478.
- 261 21. The Board of Massage Therapy, created under chapter

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262 480.

263 22. The Board of Clinical Laboratory Personnel, created
264 under part III of chapter 483.

265 23. Medical physicists, as provided under part IV of
266 chapter 483.

267 24. The Board of Opticianry, created under part I of
268 chapter 484.

269 25. The Board of Hearing Aid Specialists, created under
270 part II of chapter 484.

271 26. The Board of Physical Therapy Practice, created under
272 chapter 486.

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

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

275 29. The Board of Clinical Social Work, Marriage and Family
276 Therapy, and Mental Health Counseling, created under chapter
277 491.

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

280 ~~(h) Division of Children's Medical Services Prevention and~~
281 ~~Intervention.~~

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

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

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

285 Section 3. Subsection (4) and subsections (13) through (22)
286 of section 20.435, Florida Statutes, are amended to read:

287 20.435 Department of Health; trust funds.—The following
288 trust funds shall be administered by the Department of Health:

289 (4) Health Care Regulation ~~Medical Quality Assurance~~ Trust
290 Fund.

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291 (a) Funds to be credited to the trust fund shall consist of
292 fees and fines related to the licensing of health care
293 professionals. Funds shall be used for the purpose of providing
294 administrative support for the regulation of health care
295 professionals and for other such purposes as may be appropriate
296 and shall be expended only pursuant to legislative appropriation
297 or an approved amendment to the department's operating budget
298 pursuant to the provisions of chapter 216.

299 (b) Notwithstanding the provisions of s. 216.301 and
300 pursuant to s. 216.351, any balance in the trust fund at the end
301 of any fiscal year shall remain in the trust fund at the end of
302 the year and shall be available for carrying out the purposes of
303 the trust fund.

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

305 ~~(a) Funds to be credited to and uses of the trust fund~~
306 ~~shall be administered in accordance with the provisions of~~
307 ~~chapter 499.~~

308 ~~(b) Notwithstanding the provisions of s. 216.301 and~~
309 ~~pursuant to s. 216.351, any balance in the trust fund at the end~~
310 ~~of any fiscal year shall remain in the trust fund at the end of~~
311 ~~the year and shall be available for carrying out the purposes of~~
312 ~~the trust fund.~~

313 (13) ~~(14)~~ Emergency Medical Services Trust Fund.

314 (a) Funds to be credited to and uses of the trust fund
315 shall be administered in accordance with ss. 318.14, 318.18,
316 318.21, 395.403, and 395.4036 and parts I and II of chapter 401.

317 (b) Notwithstanding the provisions of s. 216.301 and
318 pursuant to s. 216.351, any balance in the trust fund at the end
319 of any fiscal year shall remain in the trust fund at the end of

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320 the year and shall be available for carrying out the purposes of
321 the trust fund.

322 (14)~~(15)~~ Epilepsy Services Trust Fund.

323 (a) Funds to be credited to and uses of the trust fund
324 shall be administered in accordance with the provisions of s.
325 385.207.

326 (b) Notwithstanding the provisions of s. 216.301 and
327 pursuant to s. 216.351, any balance in the trust fund at the end
328 of any fiscal year shall remain in the trust fund at the end of
329 the year and shall be available for carrying out the purposes of
330 the trust fund.

331 (15)~~(16)~~ Maternal and Child Health Block Grant Trust Fund.

332 (a) Funds to be credited to the trust fund shall consist of
333 federal maternal and child block grant funds and shall be used
334 for the purpose of providing health care and support services to
335 department clients and for other such purposes as may be
336 appropriate.

337 (b) Notwithstanding the provisions of s. 216.301 and
338 pursuant to s. 216.351, any balance in the trust fund at the end
339 of any fiscal year shall remain in the trust fund at the end of
340 the year and shall be available for carrying out the purposes of
341 the trust fund.

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

343 ~~(a) Funds to be credited to and uses of the trust fund~~
344 ~~shall be administered in accordance with the provisions of s.~~
345 ~~1009.66.~~

346 ~~(b) Notwithstanding the provisions of s. 216.301 and~~
347 ~~pursuant to s. 216.351, any balance in the trust fund at the end~~
348 ~~of any fiscal year shall remain in the trust fund at the end of~~

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349 ~~the year and shall be available for carrying out the purposes of~~
350 ~~the trust fund.~~

351 (16) ~~(18)~~ Planning and Evaluation Trust Fund.

352 (a) Funds to be credited to and uses of the trust fund
353 shall be administered in accordance with the provisions of ss.
354 381.0202 and 382.0255.

355 (b) Notwithstanding the provisions of s. 216.301 and
356 pursuant to s. 216.351, any balance in the trust fund at the end
357 of any fiscal year shall remain in the trust fund at the end of
358 the year and shall be available for carrying out the purposes of
359 the trust fund.

360 (17) ~~(19)~~ Preventive Health Services Block Grant Trust Fund.

361 (a) Funds to be credited to the trust fund shall consist of
362 federal preventive health services block grant funds and shall
363 be used for the purpose of providing health care and support
364 services to department clients and for other such purposes as
365 may be appropriate.

366 (b) Notwithstanding the provisions of s. 216.301 and
367 pursuant to s. 216.351, any balance in the trust fund at the end
368 of any fiscal year shall remain in the trust fund at the end of
369 the year and shall be available for carrying out the purposes of
370 the trust fund.

371 (18) ~~(20)~~ Radiation Protection Trust Fund.

372 (a) Funds to be credited to and uses of the trust fund
373 shall be administered in accordance with the provisions of
374 chapter 404 and part IV of chapter 468.

375 (b) Notwithstanding the provisions of s. 216.301 and
376 pursuant to s. 216.351, any balance in the trust fund at the end
377 of any fiscal year shall remain in the trust fund at the end of

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378 the year and shall be available for carrying out the purposes of
379 the trust fund.

380 (19)~~(21)~~ Rape Crisis Program Trust Fund.

381 (a) Funds to be credited to and uses of the trust fund
382 shall be administered in accordance with the provisions of s.
383 794.056.

384 (b) Notwithstanding the provisions of s. 216.301 and
385 pursuant to s. 216.351, any balance in the trust fund at the end
386 of any fiscal year shall remain in the trust fund at the end of
387 the year and shall be available for carrying out the purposes of
388 the trust fund.

389 (20)~~(22)~~ United States Trust Fund.

390 (a) Funds to be credited to the trust fund shall consist of
391 federal funds from the Social Security Administration and shall
392 be used for the purpose of determining the eligibility of
393 Florida citizens applying for disability benefits under the
394 federal Social Security and Supplemental Security Income
395 Programs.

396 (b) Notwithstanding the provisions of s. 216.301 and
397 pursuant to s. 216.351, any balance in the trust fund at the end
398 of any fiscal year shall remain in the trust fund at the end of
399 the year and shall be available for carrying out the purposes of
400 the trust fund.

401 Section 4. Paragraph (b) of subsection (4) of section
402 202.125, Florida Statutes, is amended to read:

403 202.125 Sales of communications services; specified
404 exemptions.—

405 (4) The sale of communications services to a home for the
406 aged, religious institution or educational institution that is

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407 exempt from federal income tax under s. 501(c)(3) of the
408 Internal Revenue Code, or by a religious institution that is
409 exempt from federal income tax under s. 501(c)(3) of the
410 Internal Revenue Code having an established physical place for
411 worship at which nonprofit religious services and activities are
412 regularly conducted and carried on, is exempt from the taxes
413 imposed or administered pursuant to ss. 202.12 and 202.19. As
414 used in this subsection, the term:

415 (b) "Educational institution" includes:

416 1. Any state tax-supported, parochial, religious
417 institution, and nonprofit private school, college, or
418 university that conducts regular classes and courses of study
419 required for accreditation by or membership in the Southern
420 Association of Colleges and Schools, the Florida Council of
421 Independent Schools, or the Florida Association of Christian
422 Colleges and Schools, Inc.

423 2. Any nonprofit private school that conducts regular
424 classes and courses of study which are accepted for continuing
425 education credit by a board of the Division of Health Care
426 Regulation ~~Medical Quality Assurance~~ of the Department of
427 Health.

428 3. Any nonprofit library.

429 4. Any nonprofit art gallery.

430 5. Any nonprofit performing arts center that provides
431 educational programs to school children, ~~which programs~~ involve
432 performances or other educational activities at the performing
433 arts center and serve a minimum of 50,000 school children a
434 year.

435 6. Any nonprofit museum that is open to the public.

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436 Section 5. Paragraph (cc) of subsection (7) of section
437 212.08, Florida Statutes, is amended to read:

438 212.08 Sales, rental, use, consumption, distribution, and
439 storage tax; specified exemptions.—The sale at retail, the
440 rental, the use, the consumption, the distribution, and the
441 storage to be used or consumed in this state of the following
442 are hereby specifically exempt from the tax imposed by this
443 chapter.

444 (7) MISCELLANEOUS EXEMPTIONS.—Exemptions provided to any
445 entity by this chapter do not inure to any transaction that is
446 otherwise taxable under this chapter when payment is made by a
447 representative or employee of the entity by any means,
448 including, but not limited to, cash, check, or credit card, even
449 when that representative or employee is subsequently reimbursed
450 by the entity. In addition, exemptions provided to any entity by
451 this subsection do not inure to any transaction that is
452 otherwise taxable under this chapter unless the entity has
453 obtained a sales tax exemption certificate from the department
454 or the entity obtains or provides other documentation as
455 required by the department. Eligible purchases or leases made
456 with such a certificate must be in strict compliance with this
457 subsection and departmental rules, and any person who makes an
458 exempt purchase with a certificate that is not in strict
459 compliance with this subsection and the rules is liable for and
460 shall pay the tax. The department may adopt rules to administer
461 this subsection.

462 (cc) *Works of art.*—

463 1. Also exempt are works of art sold to or used by an
464 educational institution.

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465 2. This exemption also applies to the sale to or use in
466 this state of any work of art by any person if it was purchased
467 or imported exclusively for the purpose of being donated to any
468 educational institution, or loaned to and made available for
469 display by any educational institution, provided that the term
470 of the loan agreement is for at least 10 years.

471 3. The exemption provided by this paragraph for donations
472 is allowed only if the person who purchased the work of art
473 transfers title to the donated work of art to an educational
474 institution. Such transfer of title shall be evidenced by an
475 affidavit meeting requirements established by rule to document
476 entitlement to the exemption. ~~Nothing in~~ This paragraph does not
477 ~~shall~~ preclude a work of art donated to an educational
478 institution from remaining in the possession of the donor or
479 purchaser, as long as title to the work of art lies with the
480 educational institution.

481 4. A work of art is presumed to have been purchased in or
482 imported into this state exclusively for loan as provided in
483 subparagraph 2., if it is so loaned or placed in storage in
484 preparation for such a loan within 90 days after purchase or
485 importation, whichever is later; but a work of art is not deemed
486 to be placed in storage in preparation for loan for purposes of
487 this exemption if it is displayed at any place other than an
488 educational institution.

489 5. The exemptions provided by this paragraph are allowed
490 only if the person who purchased the work of art gives to the
491 vendor an affidavit meeting the requirements, established by
492 rule, to document entitlement to the exemption. The person who
493 purchased the work of art shall forward a copy of such affidavit

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494 to the Department of Revenue at the time it is issued to the
495 vendor.

496 6. The exemption for loans provided by subparagraph 2.
497 applies only for the period during which a work of art is in the
498 possession of the educational institution or is in storage
499 before transfer of possession to that institution; and when it
500 ceases to be so possessed or held, tax based upon the sales
501 price paid by the owner is payable, and the statute of
502 limitations provided in s. 95.091 begins ~~shall begin~~ to run at
503 that time. However, tax is ~~shall~~ not ~~become~~ due if the work of
504 art is donated to an educational institution after the loan
505 ceases.

506 7. Any educational institution to which a work of art has
507 been donated pursuant to this paragraph shall make available to
508 the department the title to the work of art and any other
509 relevant information. Any educational institution that ~~which~~ has
510 received a work of art on loan pursuant to this paragraph shall
511 make available to the department information relating to the
512 work of art. Any educational institution that transfers from its
513 possession a work of art as defined by this paragraph which has
514 been loaned to it must notify the Department of Revenue within
515 60 days after the transfer.

516 8. For purposes of the exemptions provided by this
517 paragraph, the term:

518 a. "Educational institutions" includes state tax-supported,
519 parochial, church, and nonprofit private schools, colleges, or
520 universities that conduct regular classes and courses of study
521 required for accreditation by or membership in the Southern
522 Association of Colleges and Schools, the Florida Council of

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523 Independent Schools, or the Florida Association of Christian
524 Colleges and Schools, Inc.; nonprofit private schools that
525 conduct regular classes and courses of study accepted for
526 continuing education credit by a board of the Division of Health
527 Care Regulation ~~Medical Quality Assurance~~ of the Department of
528 Health; or nonprofit libraries, art galleries, performing arts
529 centers that provide educational programs to school children,
530 which ~~programs~~ involve performances or other educational
531 activities at the performing arts center and serve a minimum of
532 50,000 school children a year, and museums open to the public.

533 b. "Work of art" includes pictorial representations,
534 sculpture, jewelry, antiques, stamp collections and coin
535 collections, and other tangible personal property, the value of
536 which is attributable predominantly to its artistic, historical,
537 political, cultural, or social importance.

538 Section 6. Subsection (2) of section 310.102, Florida
539 Statutes, is amended to read:

540 310.102 Treatment programs for impaired pilots and deputy
541 pilots.—

542 (2) The department shall retain one or more impaired
543 practitioner consultants as recommended by the committee. A
544 consultant shall be a licensee under the jurisdiction of the
545 Division of Health Care Regulation ~~Medical Quality Assurance~~
546 within the Department of Health, and at least one consultant
547 must be a practitioner licensed under chapter 458, chapter 459,
548 or part I of chapter 464. The consultant shall assist the
549 probable cause panel and department in carrying out the
550 responsibilities of this section. This shall include working
551 with department investigators to determine whether a pilot or

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552 deputy pilot is, in fact, impaired.

553 Section 7. Present subsection (14) of section 381.0011,
554 Florida Statutes, is renumbered as subsection (15), and a new
555 subsection (14) is added to that section, to read:

556 381.0011 Duties and powers of the Department of Health.—It
557 is the duty of the Department of Health to:

558 (14) Award funding through competitive grants.

559 Section 8. Subsection (2) of section 381.0046, Florida
560 Statutes, is amended to read:

561 381.0046 Statewide HIV and AIDS prevention campaign.—

562 (2) The Department of Health shall establish four positions
563 within the department for HIV and AIDS regional minority
564 coordinators and one position for a statewide HIV and AIDS
565 minority coordinator. The coordinators shall facilitate
566 statewide efforts to implement and coordinate HIV and AIDS
567 prevention and treatment programs. The statewide coordinator
568 shall report directly to the chief of the Bureau of Communicable
569 Diseases ~~HIV and AIDS~~ within the Department of Health.

570 Section 9. Paragraph (c) of subsection (3) and paragraphs
571 (h) and (o) of subsection (4) of section 381.0065, Florida
572 Statutes, are amended to read:

573 381.0065 Onsite sewage treatment and disposal systems;
574 regulation.—

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

577 (c) Develop a comprehensive program to ensure that onsite
578 sewage treatment and disposal systems regulated by the
579 department are sized, designed, constructed, installed,
580 repaired, modified, abandoned, used, operated, and maintained in

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581 compliance with this section and rules adopted under this
582 section to prevent groundwater contamination and surface water
583 contamination and to preserve the public health. The department
584 is the final administrative interpretive authority regarding
585 rule interpretation. If there is ~~In the event of~~ a conflict
586 regarding rule interpretation, the Bureau Chief ~~Division~~
587 ~~Director~~ for Environmental Health of the department, or his or
588 her designee, shall timely assign a staff person to resolve the
589 dispute.

590 (4) PERMITS; INSTALLATION; AND CONDITIONS.—A person may not
591 construct, repair, modify, abandon, or operate an onsite sewage
592 treatment and disposal system without first obtaining a permit
593 approved by the department. The department may issue permits to
594 carry out this section, but shall not make the issuance of such
595 permits contingent upon prior approval by the Department of
596 Environmental Protection, except that the issuance of a permit
597 for work seaward of the coastal construction control line
598 established under s. 161.053 shall be contingent upon receipt of
599 any required coastal construction control line permit from the
600 Department of Environmental Protection. A construction permit is
601 valid for 18 months from the issuance date and may be extended
602 by the department for one 90-day period under rules adopted by
603 the department. A repair permit is valid for 90 days from the
604 date of issuance. An operating permit must be obtained prior to
605 the use of any aerobic treatment unit or if the establishment
606 generates commercial waste. Buildings or establishments that use
607 an aerobic treatment unit or generate commercial waste shall be
608 inspected by the department at least annually to assure
609 compliance with the terms of the operating permit. The operating

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610 permit for a commercial wastewater system is valid for 1 year
611 from the date of issuance and must be renewed annually. The
612 operating permit for an aerobic treatment unit is valid for 2
613 years from the date of issuance and must be renewed every 2
614 years. If all information pertaining to the siting, location,
615 and installation conditions or repair of an onsite sewage
616 treatment and disposal system remains the same, a construction
617 or repair permit for the onsite sewage treatment and disposal
618 system may be transferred to another person, if the transferee
619 files, within 60 days after the transfer of ownership, an
620 amended application providing all corrected information and
621 proof of ownership of the property. There is no fee associated
622 with the processing of this supplemental information. A person
623 may not contract to construct, modify, alter, repair, service,
624 abandon, or maintain any portion of an onsite sewage treatment
625 and disposal system without being registered under part III of
626 chapter 489. A property owner who personally performs
627 construction, maintenance, or repairs to a system serving his or
628 her own owner-occupied single-family residence is exempt from
629 registration requirements for performing such construction,
630 maintenance, or repairs on that residence, but is subject to all
631 permitting requirements. A municipality or political subdivision
632 of the state may not issue a building or plumbing permit for any
633 building that requires the use of an onsite sewage treatment and
634 disposal system unless the owner or builder has received a
635 construction permit for such system from the department. A
636 building or structure may not be occupied and a municipality,
637 political subdivision, or any state or federal agency may not
638 authorize occupancy until the department approves the final

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639 installation of the onsite sewage treatment and disposal system.
640 A municipality or political subdivision of the state may not
641 approve any change in occupancy or tenancy of a building that
642 uses an onsite sewage treatment and disposal system until the
643 department has reviewed the use of the system with the proposed
644 change, approved the change, and amended the operating permit.

645 (h)1. The department may grant variances in hardship cases
646 which may be less restrictive than the provisions specified in
647 this section. If a variance is granted and the onsite sewage
648 treatment and disposal system construction permit has been
649 issued, the variance may be transferred with the system
650 construction permit, if the transferee files, within 60 days
651 after the transfer of ownership, an amended construction permit
652 application providing all corrected information and proof of
653 ownership of the property and if the same variance would have
654 been required for the new owner of the property as was
655 originally granted to the original applicant for the variance.
656 There is no fee associated with the processing of this
657 supplemental information. A variance may not be granted under
658 this section until the department is satisfied that:

659 a. The hardship was not caused intentionally by the action
660 of the applicant;

661 b. A ~~no~~ reasonable alternative, taking into consideration
662 factors such as cost, does not exist ~~exists~~ for the treatment of
663 the sewage; and

664 c. The discharge from the onsite sewage treatment and
665 disposal system will not adversely affect the health of the
666 applicant or the public or significantly degrade the groundwater
667 or surface waters.

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668

669 Where soil conditions, water table elevation, and setback
670 provisions are determined by the department to be satisfactory,
671 special consideration must be given to those lots platted before
672 1972.

673 2. The department shall appoint and staff a variance review
674 and advisory committee, which shall meet monthly to recommend
675 agency action on variance requests. The committee shall make its
676 recommendations on variance requests at the meeting in which the
677 application is scheduled for consideration, except for an
678 extraordinary change in circumstances, the receipt of new
679 information that raises new issues, or when the applicant
680 requests an extension. The committee shall consider the criteria
681 in subparagraph 1. in its recommended agency action on variance
682 requests and shall also strive to allow property owners the full
683 use of their land where possible. The committee consists of the
684 following:

685 a. The Bureau Chief ~~Division Director~~ for Environmental
686 Health of the department or his or her designee.

687 b. A representative from the county health departments.

688 c. A representative from the home building industry
689 recommended by the Florida Home Builders Association.

690 d. A representative from the septic tank industry
691 recommended by the Florida Onsite Wastewater Association.

692 e. A representative from the Department of Environmental
693 Protection.

694 f. A representative from the real estate industry who is
695 also a developer in this state who develops lots using onsite
696 sewage treatment and disposal systems, recommended by the

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697 Florida Association of Realtors.

698 g. A representative from the engineering profession
699 recommended by the Florida Engineering Society.

700

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

706 (o) The department shall appoint a research review and
707 advisory committee, which shall meet at least semiannually. The
708 committee shall advise the department on directions for new
709 research, review and rank proposals for research contracts, and
710 review draft research reports and make comments. The committee
711 is comprised of:

712 1. A representative of the Bureau ~~Division~~ of Environmental
713 Health of the Department of Health.

714 2. A representative from the septic tank industry.

715 3. A representative from the home building industry.

716 4. A representative from an environmental interest group.

717 5. A representative from the State University System, from
718 a department knowledgeable about onsite sewage treatment and
719 disposal systems.

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

722 7. A representative from local government who is
723 knowledgeable about domestic wastewater treatment.

724 8. A representative from the real estate profession.

725 9. A representative from the restaurant industry.

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726 10. A consumer.

727
728 Members shall be appointed for a term of 3 years, with the
729 appointments being staggered so that the terms of no more than
730 four members expire in any one year. Members shall serve without
731 remuneration, but are entitled to reimbursement for per diem and
732 travel expenses as provided in s. 112.061.

733 Section 10. Paragraph (a) of subsection (4) of section
734 381.0101, Florida Statutes, is amended to read:

735 381.0101 Environmental health professionals.—

736 (4) ENVIRONMENTAL HEALTH PROFESSIONALS ADVISORY BOARD.—The
737 State Health Officer shall appoint an advisory board to assist
738 the department in the promulgation of rules for certification,
739 testing, establishing standards, and seeking enforcement actions
740 against certified professionals.

741 (a) The board shall be comprised of the Bureau Chief
742 ~~Division Director~~ for Environmental Health or his or her
743 designee, one individual who will be certified under this
744 section, one individual not employed in a governmental capacity
745 who will or does employ a certified environmental health
746 professional, one individual whose business is or will be
747 evaluated by a certified environmental health professional, and
748 a citizen of this ~~the~~ state who does not employ and who ~~neither~~
749 ~~employs nor~~ is not routinely evaluated by a person certified
750 under this section.

751 Section 11. Section 381.04015, Florida Statutes, is
752 repealed.

753 Section 12. Paragraph (g) of subsection (4) of section
754 381.4018, Florida Statutes, is amended to read:

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755 381.4018 Physician workforce assessment and development.—

756 (4) GENERAL FUNCTIONS.—The department shall maximize the
757 use of existing programs under the jurisdiction of the
758 department and other state agencies and coordinate governmental
759 and nongovernmental stakeholders and resources in order to
760 develop a state strategic plan and assess the implementation of
761 such strategic plan. In developing the state strategic plan, the
762 department shall:

763 (g) Coordinate and enhance activities relative to physician
764 workforce needs, undergraduate medical education, graduate
765 medical education, and reentry of retired military and other
766 physicians into the physician workforce provided by the Division
767 of Health Care Regulation ~~Medical Quality Assurance~~, area health
768 education center networks established pursuant to s. 381.0402,
769 and other offices and programs within the department as
770 designated by the State Surgeon General.

771 Section 13. Section 381.855, Florida Statutes, is repealed.

772 Section 14. Section 381.895, Florida Statutes, is repealed.

773 Section 15. Section 381.90, Florida Statutes, is repealed.

774 Section 16. Effective July 1, 2012, section 385.210,
775 Florida Statutes, is repealed.

776 Section 17. Subsection (1) of section 391.028, Florida
777 Statutes, is amended to read:

778 391.028 Administration.—The Children's Medical Services
779 program shall have a central office and area offices.

780 (1) The Director of Children's Medical Services must be a
781 physician licensed under chapter 458 or chapter 459 who has
782 specialized training and experience in the provision of health
783 care to children and who has recognized skills in leadership and

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784 the promotion of children's health programs. The director shall
785 be the deputy secretary and the Deputy State Health Officer for
786 Children's Medical Services and is appointed by and reports to
787 the State Surgeon General. The director may appoint a division
788 director ~~directors~~ subject to the approval of the State Surgeon
789 General.

790 Section 18. Section 391.221, Florida Statutes, is repealed.

791 Section 19. Section 392.51, Florida Statutes, is amended to
792 read:

793 392.51 Findings and intent.—The Legislature finds and
794 declares that active tuberculosis is a highly contagious
795 infection that is sometimes fatal and constitutes a serious
796 threat to the public health. The Legislature finds that there is
797 a significant reservoir of tuberculosis infection in this state
798 and that there is a need to develop community programs to
799 identify tuberculosis and to respond quickly with appropriate
800 measures. The Legislature finds that some patients who have
801 active tuberculosis have complex medical, social, and economic
802 problems that make outpatient control of the disease difficult,
803 if not impossible, without posing a threat to the public health.
804 The Legislature finds that in order to protect the citizenry
805 from those few persons who pose a threat to the public, it is
806 necessary to establish a system of mandatory contact
807 identification, treatment to cure, hospitalization, and
808 isolation for contagious cases and to provide a system of
809 voluntary, community-oriented care and surveillance in all other
810 cases. The Legislature finds that the delivery of tuberculosis
811 control services is best accomplished by the coordinated efforts
812 of the respective county health departments, a hospitalization

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813 program administered by the department ~~the A.G. Holley State~~
814 ~~Hospital,~~ and the private health care delivery system.

815 Section 20. Subsection (5) of section 392.56, Florida
816 Statutes, is amended to read:

817 392.56 Hospitalization, placement, and residential
818 isolation.—

819 (5) If the department petitions the circuit court to order
820 that a person who has active tuberculosis be hospitalized in a
821 hospital licensed under chapter 395 ~~facility operated under s.~~
822 ~~392.62(2)~~, the department shall notify the facility of the
823 potential court order.

824 Section 21. Section 392.62, Florida Statutes, is amended to
825 read:

826 392.62 Hospitalization and placement programs.—

827 (1) The department shall operate a program for the
828 hospitalization of persons who have active tuberculosis in
829 hospitals licensed under chapter 395 and may provide for
830 appropriate placement of persons who have active tuberculosis in
831 one or more hospitals licensed under chapter 395 ~~other health~~
832 ~~care facilities or residential facilities.~~

833 (2) ~~The department may operate a licensed hospital for the~~
834 ~~care and treatment to cure of persons who have active~~
835 ~~tuberculosis. The hospital may have a forensic unit where, under~~
836 ~~medical protocol, a patient can be held in a secure or~~
837 ~~protective setting.~~ The department shall also seek to maximize
838 the use of existing licensed ~~community~~ hospitals for the care
839 of, and treatment to cure, ~~of~~ persons who have active
840 tuberculosis.

841 (3) Any licensed hospital ~~operated by the department, any~~

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842 ~~licensed hospital~~ under contract with the department to provide,
843 ~~and any other health care facility or residential facility~~
844 ~~operated by or under contract with the department for the care~~
845 and treatment to ~~of~~ patients who have active tuberculosis shall:

846 (a) Admit patients ~~voluntarily and~~ under court order as
847 appropriate for each particular facility;

848 (b) Require that each patient pay the actual cost of care
849 provided ~~whether the patient is admitted voluntarily or by court~~
850 ~~order;~~

851 (c) Provide for a method of paying for the care of patients
852 who cannot afford to do so;

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

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

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

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

866 (4) A hospital may, pursuant to court order, place a
867 patient in temporary isolation for a period of no more than 72
868 continuous hours. The department shall obtain a court order in
869 the same manner as prescribed in s. 392.57. ~~Nothing in~~ This
870 subsection does not preclude ~~precludes~~ a hospital from isolating

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871 an infectious patient for medical reasons.

872 (5) A ~~Any~~ person committed under s. 392.57 who leaves the
873 hospital to which he or she was committed by court order
874 ~~tuberculosis hospital or residential facility~~ without having
875 been discharged by the designated medical authority, except as
876 provided in s. 392.63, shall be apprehended by the sheriff of
877 the county in which the person is found and immediately returned
878 to that facility ~~delivered to the facility from which he or she~~
879 ~~left.~~

880 Section 22. Section 392.69, Florida Statutes, is amended to
881 read:

882 392.69 Appropriation, sinking, and maintenance trust funds;
883 additional powers of the department.—

884 (1) The Legislature shall include in its annual
885 appropriations act a sufficient sum for the purpose of carrying
886 out the provisions of this chapter.

887 (2) All moneys required to be paid by the several counties
888 and patients for the care and maintenance of patients
889 hospitalized pursuant to court order ~~by the department~~ for
890 tuberculosis shall be paid to the department, and the department
891 shall immediately transmit these moneys to the Chief Financial
892 Officer, who shall deposit the moneys in the Operations and
893 Maintenance Trust Fund, which shall contain all moneys
894 appropriated by the Legislature or received from patients or
895 other third parties and shall be expended for the operation of
896 the department's hospitalization program as described in s.
897 392.62 ~~and maintenance of the state-operated tuberculosis~~
898 ~~hospital.~~

899 ~~(3) In the execution of its public health program~~

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900 ~~functions, notwithstanding s. 216.292(2)(b)2., the department is~~
901 ~~hereby authorized to use any sums of money which it may~~
902 ~~heretofore have saved or which it may hereafter save from its~~
903 ~~regular operating appropriation, or use any sums of money~~
904 ~~acquired by gift or grant, or any sums of money it may acquire~~
905 ~~by the issuance of revenue certificates of the hospital to match~~
906 ~~or supplement any state or federal funds, or any moneys received~~
907 ~~by said department by gift or otherwise, for the construction or~~
908 ~~maintenance of additional facilities or improvement to existing~~
909 ~~facilities, as the department deems necessary.~~

910 ~~(4) The department shall appoint an advisory board, which~~
911 ~~shall meet quarterly to review and make recommendations relating~~
912 ~~to patient care at A. G. Holley State Hospital. Members shall be~~
913 ~~appointed for terms of 3 years, with such appointments being~~
914 ~~staggered so that terms of no more than two members expire in~~
915 ~~any one year. Members shall serve without compensation, but they~~
916 ~~are entitled to be reimbursed for per diem and travel expenses~~
917 ~~under s. 112.061.~~

918 Section 23. Subsections (1) and (4) of section 395.1027,
919 Florida Statutes, are amended to read:

920 395.1027 Regional poison control centers.-

921 (1) There shall be created three certified regional poison
922 control centers, one each in the north, central, and southern
923 regions of the state. Each regional poison control center shall
924 be affiliated with and physically located in a certified Level I
925 trauma center. Each regional poison control center shall be
926 affiliated with an accredited medical school or college of
927 pharmacy. The regional poison control centers shall be
928 coordinated under the aegis of the Division of Children's

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929 Medical Services ~~Prevention and Intervention~~ in the department.

930 (4) The Legislature hereby finds and declares that it is in
931 the public interest to shorten the time required for a citizen
932 to request and receive directly from designated regional poison
933 control centers telephonic management advice for acute poisoning
934 emergencies. To facilitate rapid and direct access, telephone
935 numbers for designated regional poison control centers shall be
936 given special prominence. The local exchange telecommunications
937 companies shall print immediately below "911" or other emergency
938 calling instructions on the inside front cover of the telephone
939 directory the words "Poison Information Center," the logo of the
940 American Association of Poison Control Centers, and the
941 telephone number of the local, if applicable, or, if not local,
942 other toll-free telephone number of the Florida Poison
943 Information Center Network. This information shall be outlined
944 and be no less than 1 inch in height by 2 inches in width. Only
945 those facilities satisfying criteria established in the current
946 "Criteria for Certification of a Regional Poison Center" set by
947 the American Association of Poison Control Centers, and the
948 "Standards of the Poison Information Center Program" initiated
949 by the Division of Children's Medical Services ~~Prevention and~~
950 ~~Intervention~~ of the Department of Health shall be permitted to
951 list such facility as a poison information center, poison
952 control center, or poison center. Those centers under a
953 developmental phase-in plan shall be given 2 years from the date
954 of initial 24-hour service implementation to comply with the
955 aforementioned criteria and, as such, will be permitted to be
956 listed as a poison information center, poison control center, or
957 poison center during that allotted time period.

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958 Section 24. Subsection (1) of section 400.914, Florida
959 Statutes, is amended to read:

960 400.914 Rules establishing standards.—

961 (1) Pursuant to the intention of the Legislature to provide
962 safe and sanitary facilities and healthful programs, the agency,
963 in conjunction with the Division of Children's Medical Services
964 ~~Prevention and Intervention~~ of the Department of Health, shall
965 adopt and publish rules to implement the provisions of this part
966 and part II of chapter 408, which ~~shall~~ include reasonable and
967 fair standards. Any conflict between these standards and those
968 that may be set forth in local, county, or city ordinances shall
969 be resolved in favor of those having statewide effect. Such
970 standards shall relate to:

971 (a) The assurance that PPEC services are family centered
972 and provide individualized medical, developmental, and family
973 training services.

974 (b) The maintenance of PPEC centers, not in conflict with
975 the provisions of chapter 553 and based upon the size of the
976 structure and number of children, relating to plumbing, heating,
977 lighting, ventilation, and other building conditions, including
978 adequate space, which will ensure the health, safety, comfort,
979 and protection from fire of the children served.

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

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

984 (e) All sanitary conditions within the PPEC center and its
985 surroundings, including water supply, sewage disposal, food
986 handling, and general hygiene, and maintenance thereof, which

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987 will ensure the health and comfort of children served.

988 (f) Programs and basic services promoting and maintaining
989 the health and development of the children served and meeting
990 the training needs of the children's legal guardians.

991 (g) Supportive, contracted, other operational, and
992 transportation services.

993 (h) Maintenance of appropriate medical records, data, and
994 information relative to the children and programs. Such records
995 shall be maintained in the facility for inspection by the
996 agency.

997 Section 25. Subsection (11) of section 409.256, Florida
998 Statutes, is amended to read:

999 409.256 Administrative proceeding to establish paternity or
1000 paternity and child support; order to appear for genetic
1001 testing.—

1002 (11) FINAL ORDER ESTABLISHING PATERNITY OR PATERNITY AND
1003 CHILD SUPPORT; CONSENT ORDER; NOTICE TO OFFICE OF VITAL
1004 STATISTICS.—

1005 (d) Upon rendering a final order of paternity or a final
1006 order of paternity and child support, the department shall
1007 notify the Office ~~Division~~ of Vital Statistics of the Department
1008 of Health that the paternity of the child has been established.

1009 Section 26. Subsection (6) of section 415.1055, Florida
1010 Statutes, is amended to read:

1011 415.1055 Notification to administrative entities.—

1012 (6) If at any time during a protective investigation the
1013 department has reasonable cause to believe that professional
1014 licensure violations have occurred, the department shall notify
1015 the Division of Health Care Regulation ~~Medical Quality Assurance~~

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1016 within the Department of Health. This notification must be in
1017 writing.

1018 Section 27. Subsections (1), (4), and (7) of section
1019 456.001, Florida Statutes, are amended to read:

1020 456.001 Definitions.—As used in this chapter, the term:

1021 (1) "Board" means any board or commission, or other
1022 statutorily created entity to the extent such entity is
1023 authorized to exercise regulatory or rulemaking functions,
1024 within the department, except that, for ss. 456.003-456.018,
1025 456.022, 456.023, 456.025-456.034, and 456.039-456.082, "board"
1026 means only a board, or other statutorily created entity to the
1027 extent such entity is authorized to exercise regulatory or
1028 rulemaking functions, within the Division of Health Care
1029 Regulation ~~Medical Quality Assurance~~.

1030 (4) "Health care practitioner" means any person licensed
1031 under part III of chapter 401; chapter 457; chapter 458; chapter
1032 459; chapter 460; chapter 461; chapter 462; chapter 463; chapter
1033 464; chapter 465; chapter 466; chapter 467; part I, part II,
1034 part III, part V, part X, part XIII, or part XIV of chapter 468;
1035 chapter 478; chapter 480; part III or part IV of chapter 483;
1036 chapter 484; chapter 486; chapter 490; or chapter 491.

1037 (7) "Profession" means any activity, occupation,
1038 profession, or vocation regulated by the department in the
1039 Division of Health Care Regulation ~~Medical Quality Assurance~~.

1040 Section 28. Subsections (6) and (10) of section 456.013,
1041 Florida Statutes, are amended to read:

1042 456.013 Department; general licensing provisions.—

1043 (6) As a condition of renewal of a license, the Board of
1044 Medicine, the Board of Osteopathic Medicine, the Board of

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1045 Chiropractic Medicine, and the Board of Podiatric Medicine shall
1046 each require licensees that ~~which~~ they respectively regulate to
1047 periodically demonstrate their professional competency by
1048 completing at least 40 hours of continuing education every 2
1049 years. The boards may require by rule that up to 1 hour of the
1050 required 40 or more hours be in the area of risk management or
1051 cost containment. This provision does ~~shall~~ not be construed to
1052 limit the number of hours that a licensee may obtain in risk
1053 management or cost containment to be credited toward satisfying
1054 the 40 or more required hours. This provision does ~~shall~~ not be
1055 ~~construed to~~ require the boards to impose any requirement on
1056 licensees except for the completion of at least 40 hours of
1057 continuing education every 2 years. Each of such boards shall
1058 determine whether any specific continuing education requirements
1059 not otherwise mandated by law shall be mandated and shall
1060 approve criteria for, and the content of, any continuing
1061 education mandated by such board. Notwithstanding any other
1062 provision of law, the board, or the department when there is no
1063 board, may approve by rule alternative methods of obtaining
1064 continuing education credits in risk management. The alternative
1065 methods may include attending a board meeting at which another
1066 licensee is disciplined, serving as a volunteer expert witness
1067 for the department in a disciplinary case, or serving as a
1068 member of a probable cause panel following the expiration of a
1069 board member's term. Other boards within the Division of Health
1070 Care Regulation ~~Medical Quality Assurance~~, or the department if
1071 there is no board, may adopt rules granting continuing education
1072 hours in risk management for attending a board meeting at which
1073 another licensee is disciplined, for serving as a volunteer

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1074 expert witness for the department in a disciplinary case, or for
1075 serving as a member of a probable cause panel following the
1076 expiration of a board member's term.

1077 (10) Notwithstanding any law to the contrary, an elected
1078 official who is licensed under a practice act administered by
1079 the Division of Health Care Regulation ~~Medical Quality Assurance~~
1080 may hold employment for compensation with any public agency
1081 concurrent with such public service. Such dual service must be
1082 disclosed according to any disclosure required by applicable
1083 law.

1084 Section 29. Subsection (8) of section 456.025, Florida
1085 Statutes, is amended to read:

1086 456.025 Fees; receipts; disposition.—

1087 (8) All moneys collected by the department from fees or
1088 fines or from costs awarded to the agency by a court shall be
1089 paid into a trust fund used by the department to implement this
1090 chapter. The Legislature shall appropriate funds from this trust
1091 fund sufficient to carry out this chapter and the provisions of
1092 law with respect to professions regulated by the Division of
1093 Health Care Regulation ~~Medical Quality Assurance~~ within the
1094 department and the boards. The department may contract with
1095 public and private entities to receive and deposit revenue
1096 pursuant to this section. The department shall maintain separate
1097 accounts in the trust fund used by the department to implement
1098 this chapter for every profession within the department. To the
1099 maximum extent possible, the department shall directly charge
1100 all expenses to the account of each regulated profession. For
1101 the purpose of this subsection, direct charge expenses include,
1102 but are not limited to, costs for investigations, examinations,

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1103 and legal services. For expenses that cannot be charged
1104 directly, the department shall provide for the proportionate
1105 allocation among the accounts of expenses incurred by the
1106 department in the performance of its duties with respect to each
1107 regulated profession. The regulation by the department of
1108 professions, as defined in this chapter, shall be financed
1109 solely from revenue collected by it from fees and other charges
1110 and deposited in the Health Care Regulation ~~Medical Quality~~
1111 ~~Assurance~~ Trust Fund, and all such revenue is ~~hereby~~
1112 appropriated to the department. However, it is legislative
1113 intent that each profession ~~shall~~ operate within its anticipated
1114 fees. The department may not expend funds from the account of a
1115 profession to pay for the expenses incurred on behalf of another
1116 profession, except that the Board of Nursing must pay for any
1117 costs incurred in the regulation of certified nursing
1118 assistants. The department shall maintain adequate records to
1119 support its allocation of agency expenses. The department shall
1120 provide any board with reasonable access to these records upon
1121 request. On or before October 1 of each year, the department
1122 shall provide each board an annual report of revenue and direct
1123 and allocated expenses related to the operation of that
1124 profession. The board shall use these reports and the
1125 department's adopted long-range plan to determine the amount of
1126 license fees. A condensed version of this information, with the
1127 department's recommendations, shall be included in the annual
1128 report to the Legislature prepared under s. 456.026.

1129 Section 30. Section 456.061, Florida Statutes, is amended
1130 to read:

1131 456.061 Practitioner disclosure of confidential

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1132 information; immunity from civil or criminal liability.—

1133 (1) A practitioner regulated through the Division of Health
1134 Care Regulation ~~Medical Quality Assurance~~ of the department is
1135 ~~shall not be~~ civilly or criminally liable for the disclosure of
1136 otherwise confidential information to a sexual partner or a
1137 needle-sharing partner under the following circumstances:

1138 (a) If a patient of the practitioner who has tested
1139 positive for human immunodeficiency virus discloses to the
1140 practitioner the identity of a sexual partner or a needle-
1141 sharing partner;

1142 (b) The practitioner recommends the patient notify the
1143 sexual partner or the needle-sharing partner of the positive
1144 test and refrain from engaging in sexual or drug activity in a
1145 manner likely to transmit the virus and the patient refuses, and
1146 the practitioner informs the patient of his or her intent to
1147 inform the sexual partner or needle-sharing partner; and

1148 (c) If pursuant to a perceived civil duty or the ethical
1149 guidelines of the profession, the practitioner reasonably and in
1150 good faith advises the sexual partner or the needle-sharing
1151 partner of the patient of the positive test and facts concerning
1152 the transmission of the virus.

1153
1154 However, any notification of a sexual partner or a needle-
1155 sharing partner pursuant to this section shall be done in
1156 accordance with protocols developed pursuant to rule of the
1157 Department of Health.

1158 (2) Notwithstanding the foregoing, a practitioner regulated
1159 through the Division of Health Care Regulation ~~Medical Quality~~
1160 ~~Assurance~~ of the department is ~~shall not be~~ civilly or

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1161 criminally liable for failure to disclose information relating
1162 to a positive test result for human immunodeficiency virus of a
1163 patient to a sexual partner or a needle-sharing partner.

1164 Section 31. Section 458.346, Florida Statutes, is repealed.

1165 Section 32. Section 474.221, Florida Statutes, is amended
1166 to read:

1167 474.221 Impaired practitioner provisions; applicability.—
1168 Notwithstanding the transfer of the Division of Health Care
1169 Regulation ~~Medical Quality Assurance~~ to the Department of Health
1170 or any other provision of law to the contrary, veterinarians
1171 licensed under this chapter shall be governed by the treatment
1172 of impaired practitioner provisions of s. 456.076 as if they
1173 were under the jurisdiction of the Division of Health Care
1174 Regulation ~~Medical Quality Assurance~~, except that for
1175 veterinarians the Department of Business and Professional
1176 Regulation shall, at its option, exercise any of the powers
1177 granted to the Department of Health by that section, and "board"
1178 shall mean board as defined in this chapter.

1179 Section 33. Subsection (2) of section 553.73, Florida
1180 Statutes, is amended to read:

1181 553.73 Florida Building Code.—

1182 (2) The Florida Building Code must ~~shall~~ contain provisions
1183 or requirements for public and private buildings, structures,
1184 and facilities relative to structural, mechanical, electrical,
1185 plumbing, sanitation, energy, and gas systems, existing
1186 buildings, historical buildings, manufactured buildings,
1187 elevators, coastal construction, lodging facilities, food sales
1188 and food service facilities, health care facilities, including
1189 assisted living facilities, adult day care facilities, hospice

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1190 residential and inpatient facilities and units, and facilities
1191 for the control of radiation hazards, public or private
1192 educational facilities, swimming pools, and correctional
1193 facilities and enforcement of and compliance with such
1194 provisions or requirements. Further, the Florida Building Code
1195 must provide for uniform implementation of ss. 515.25, 515.27,
1196 and 515.29 by including standards and criteria for residential
1197 swimming pool barriers, pool covers, latching devices, door and
1198 window exit alarms, and other equipment required therein, which
1199 are consistent with the intent of s. 515.23. Technical
1200 provisions to be contained within the Florida Building Code are
1201 restricted to requirements related to the types of materials
1202 used and construction methods and standards employed in order to
1203 meet criteria specified in the Florida Building Code. Provisions
1204 relating to the personnel, supervision or training of personnel,
1205 or any other professional qualification requirements relating to
1206 contractors or their workforce may not be included within the
1207 Florida Building Code, and subsections (4), (6), (7), (8), and
1208 (9) are not to be construed to allow the inclusion of such
1209 provisions within the Florida Building Code by amendment. This
1210 restriction applies to both initial development and amendment of
1211 the Florida Building Code.

1212 Section 34. Subsections (1) and (2) of section 633.115,
1213 Florida Statutes, are amended to read:

1214 633.115 Fire and Emergency Incident Information Reporting
1215 Program; duties; fire reports.—

1216 (1) (a) The Fire and Emergency Incident Information
1217 Reporting Program is created within the Division of State Fire
1218 Marshal. The program shall:

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1219 1. Establish and maintain an electronic communication
1220 system capable of transmitting fire and emergency incident
1221 information to and between fire protection agencies.

1222 2. Initiate a Fire and Emergency Incident Information
1223 Reporting System that shall be responsible for:

1224 a. Receiving fire and emergency incident information from
1225 fire protection agencies.

1226 b. Preparing and disseminating annual reports to the
1227 Governor, the President of the Senate, the Speaker of the House
1228 of Representatives, fire protection agencies, and, upon request,
1229 the public. Each report shall include, but not be limited to,
1230 the information listed in the National Fire Incident Reporting
1231 System.

1232 c. Upon request, providing other states and federal
1233 agencies with fire and emergency incident data of this state.

1234 3. Adopt rules to effectively and efficiently implement,
1235 administer, manage, maintain, and use the Fire and Emergency
1236 Incident Information Reporting Program. The rules are ~~shall be~~
1237 ~~considered~~ minimum requirements and do ~~shall~~ not preclude a fire
1238 protection agency from implementing its own requirements, which
1239 ~~may shall~~ not conflict with the rules of the Division of State
1240 Fire Marshal.

1241 4. By rule, establish procedures and a format for each fire
1242 protection agency to voluntarily monitor its records and submit
1243 reports to the program.

1244 5. Establish an electronic information database that ~~which~~
1245 is accessible and searchable by fire protection agencies.

1246 (b) The Division of State Fire Marshal shall consult with
1247 the Division of Forestry of the Department of Agriculture and

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1248 Consumer Services and the Bureau of Emergency Preparedness and
1249 Response ~~Medical Services~~ of the Department of Health to
1250 coordinate data, ensure accuracy of the data, and limit
1251 duplication of efforts in data collection, analysis, and
1252 reporting.

1253 (2) The Fire and Emergency Incident Information System
1254 Technical Advisory Panel is created within the Division of State
1255 Fire Marshal. The panel shall advise, review, and recommend to
1256 the State Fire Marshal with respect to the requirements of this
1257 section. The membership of the panel shall consist of the
1258 following 15 members:

1259 (a) The current 13 members of the Firefighters Employment,
1260 Standards, and Training Council as established in s. 633.31.

1261 (b) One member from the Division of Forestry of the
1262 Department of Agriculture and Consumer Services, appointed by
1263 the division director.

1264 (c) One member from the Bureau of Emergency Preparedness
1265 and Response ~~Medical Services~~ of the Department of Health,
1266 appointed by the bureau chief.

1267 Section 35. Paragraph (c) of subsection (10) of section
1268 768.28, Florida Statutes, is amended to read:

1269 768.28 Waiver of sovereign immunity in tort actions;
1270 recovery limits; limitation on attorney fees; statute of
1271 limitations; exclusions; indemnification; risk management
1272 programs.—

1273 (10)

1274 (c) For purposes of this section, regional poison control
1275 centers created in accordance with s. 395.1027 and coordinated
1276 and supervised under the Division of Children's Medical Services

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1277 ~~Prevention and Intervention~~ of the Department of Health, or any
1278 of their employees or agents, shall be considered agents of the
1279 State of Florida, Department of Health. Any contracts with
1280 poison control centers must provide, to the extent permitted by
1281 law, for the indemnification of the state by the agency for any
1282 liabilities incurred up to the limits set out in this chapter.

1283 Section 36. Subsections (4), (5), (6), (8), (9), (10),
1284 (11), and (12) of section 1009.66, Florida Statutes, are amended
1285 to read:

1286 1009.66 Nursing Student Loan Forgiveness Program.—

1287 (4) From the funds available, the Department of Education
1288 ~~Health~~ may make loan principal repayments of up to \$4,000 a year
1289 for up to 4 years on behalf of selected graduates of an
1290 accredited or approved nursing program. All repayments shall be
1291 contingent upon continued proof of employment in the designated
1292 facilities in this state and shall be made directly to the
1293 holder of the loan. The state shall bear no responsibility for
1294 the collection of any interest charges or other remaining
1295 balance. In the event that the designated facilities are
1296 changed, a nurse shall continue to be eligible for loan
1297 forgiveness as long as he or she continues to work in the
1298 facility for which the original loan repayment was made and
1299 otherwise meets all conditions of eligibility.

1300 (5) There is created the Nursing Student Loan Forgiveness
1301 Trust Fund to be administered by the Department of Education
1302 ~~Health~~ pursuant to this section and s. 1009.67 and department
1303 rules. The Chief Financial Officer shall authorize expenditures
1304 from the trust fund upon receipt of vouchers approved by the
1305 Department of Education ~~Health~~. All moneys collected from the

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1306 private health care industry and other private sources for the
1307 purposes of this section shall be deposited into the Nursing
1308 Student Loan Forgiveness Trust Fund. Any balance in the trust
1309 fund at the end of any fiscal year shall remain therein and
1310 shall be available for carrying out the purposes of this section
1311 and s. 1009.67.

1312 (6) In addition to licensing fees imposed under part I of
1313 chapter 464, there is hereby levied and imposed an additional
1314 fee of \$5, which fee shall be paid upon licensure or renewal of
1315 nursing licensure. Revenues collected from the fee imposed in
1316 this subsection shall be deposited in the Nursing Student Loan
1317 Forgiveness Trust Fund of the Department of Education ~~Health~~ and
1318 will be used solely for the purpose of carrying out the
1319 provisions of this section and s. 1009.67. Up to 50 percent of
1320 the revenues appropriated to implement this subsection may be
1321 used for the nursing scholarship program established pursuant to
1322 s. 1009.67.

1323 ~~(8) The Department of Health may solicit technical~~
1324 ~~assistance relating to the conduct of this program from the~~
1325 ~~Department of Education.~~

1326 (8) ~~(9)~~ The Department of Education ~~may~~ ~~Health is authorized~~
1327 ~~to~~ recover from the Nursing Student Loan Forgiveness Trust Fund
1328 its costs for administering the Nursing Student Loan Forgiveness
1329 Program.

1330 (9) ~~(10)~~ The Department of Education ~~Health~~ may adopt rules
1331 necessary to administer this program.

1332 (10) ~~(11)~~ This section shall be implemented only as
1333 specifically funded.

1334 (11) ~~(12)~~ Students receiving a nursing scholarship pursuant

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1335 to s. 1009.67 are not eligible to participate in the Nursing
1336 Student Loan Forgiveness Program.

1337 Section 37. Section 1009.67, Florida Statutes, is amended
1338 to read:

1339 1009.67 Nursing scholarship program.—

1340 (1) There is established within the Department of Education
1341 ~~Health~~ a scholarship program for the purpose of attracting
1342 capable and promising students to the nursing profession.

1343 (2) A scholarship applicant shall be enrolled in an
1344 approved nursing program leading to the award of an associate
1345 degree, a baccalaureate degree, or a graduate degree in nursing.

1346 (3) A scholarship may be awarded for no more than 2 years,
1347 in an amount not to exceed \$8,000 per year. However, registered
1348 nurses pursuing a graduate degree for a faculty position or to
1349 practice as an advanced registered nurse practitioner may
1350 receive up to \$12,000 per year. These amounts shall be adjusted
1351 by the amount of increase or decrease in the consumer price
1352 index for urban consumers published by the United States
1353 Department of Commerce.

1354 (4) Credit for repayment of a scholarship shall be as
1355 follows:

1356 (a) For each full year of scholarship assistance, the
1357 recipient agrees to work for 12 months in a faculty position in
1358 a college of nursing or Florida College System institution
1359 nursing program in this state or at a health care facility in a
1360 medically underserved area as designated ~~approved~~ by the
1361 Department of Health. Scholarship recipients who attend school
1362 on a part-time basis shall have their employment service
1363 obligation prorated in proportion to the amount of scholarship

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1364 payments received.

1365 (b) Eligible health care facilities include nursing homes
1366 and hospitals in this state, state-operated medical or health
1367 care facilities, public schools, county health departments,
1368 federally sponsored community health centers, colleges of
1369 nursing in universities in this state, and Florida College
1370 System institution nursing programs in this state, family
1371 practice teaching hospitals as defined in s. 395.805, or
1372 specialty children's hospitals as described in s. 409.9119. The
1373 recipient shall be encouraged to complete the service obligation
1374 at a single employment site. If continuous employment at the
1375 same site is not feasible, the recipient may apply to the
1376 department for a transfer to another approved health care
1377 facility.

1378 (c) Any recipient who does not complete an appropriate
1379 program of studies, who does not become licensed, who does not
1380 accept employment as a nurse at an approved health care
1381 facility, or who does not complete 12 months of approved
1382 employment for each year of scholarship assistance received
1383 shall repay to the Department of Education Health, on a schedule
1384 to be determined by the department, the entire amount of the
1385 scholarship plus 18 percent interest accruing from the date of
1386 the scholarship payment. Moneys repaid shall be deposited into
1387 the Nursing Student Loan Forgiveness Trust Fund established in
1388 s. 1009.66. However, the department may provide additional time
1389 for repayment if the department finds that circumstances beyond
1390 the control of the recipient caused or contributed to the
1391 default.

1392 (5) Scholarship payments shall be transmitted to the

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1393 recipient upon receipt of documentation that the recipient is
1394 enrolled in an approved nursing program. The Department of
1395 Education ~~Health~~ shall develop a formula to prorate payments to
1396 scholarship recipients so as not to exceed the maximum amount
1397 per academic year.

1398 (6) The Department of Education ~~Health~~ shall adopt rules,
1399 including rules to address extraordinary circumstances that may
1400 cause a recipient to default on either the school enrollment or
1401 employment contractual agreement, to implement this section.

1402 (7) The Department of Education ~~Health~~ may recover from the
1403 Nursing Student Loan Forgiveness Trust Fund its costs for
1404 administering the nursing scholarship program.

1405 Section 38. Except as otherwise expressly provided in this
1406 act, this act shall take effect May 1, 2012.

1407