

By the Committee on Health Regulation; and Senator Garcia

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1 A bill to be entitled
2 An act relating to the Department of Health; amending
3 s. 20.43, F.S.; revising the purpose of the
4 department; revising duties of the State Surgeon
5 General; eliminating the Officer of Women's Health
6 Strategy; revising divisions within the department;
7 amending s. 20.435, F.S.; eliminating the Florida
8 Drug, Device, and Cosmetic Trust Fund and the Nursing
9 Student Loan Forgiveness Trust Fund as trust funds
10 under the department; amending s. 215.5602, F.S.;
11 conforming references; amending s. 381.001, F.S.;
12 deleting legislative intent; requiring the Department
13 of Health to be responsible for the state public
14 health system; requiring the department to provide
15 leadership for a partnership involving federal, state,
16 and local government and the private sector to
17 accomplish public health goals; amending s. 381.0011,
18 F.S.; deleting duties and powers of the department;
19 repealing s. 381.0013, F.S., relating to the
20 department's authority to exercise the power of
21 eminent domain; repealing s. 381.0015, F.S., relating
22 to judicial presumptions regarding the department's
23 authority to enforce public health rules; amending s.
24 381.0016, F.S.; allowing a county to enact health
25 regulations and ordinances consistent with state law;
26 repealing s. 381.0017, F.S., relating to the purchase,
27 lease, and sale of real property by the department;
28 repealing s. 381.00325, F.S., relating to the
29 Hepatitis A awareness program; amending s. 381.0034,

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30 F.S.; deleting an obsolete qualifying date reference;
31 repealing s. 381.0037, F.S., relating to legislative
32 findings and intent with respect to AIDS; amending s.
33 381.004, F.S.; deleting legislative intent; conforming
34 cross-references; amending 381.0046, F.S.; requiring
35 the department to establish dedicated HIV and AIDS
36 regional and statewide minority coordinators; deleting
37 the requirement that the statewide director report to
38 the chief of the Bureau of HIV and AIDS within the
39 department; amending s. 381.005, F.S.; deleting the
40 requirement that hospitals implement a plan to offer
41 immunizations for pneumococcal bacteria and influenza
42 virus to all patients 65 years of age or older;
43 amending s. 381.0051, F.S.; deleting legislative
44 intent for the Comprehensive Family Planning Act;
45 amending s. 381.0052, F.S., relating to the "Public
46 Health Dental Program Act"; deleting unused department
47 rulemaking authority; amending s. 381.0053, F.S.,
48 relating to the comprehensive nutrition program;
49 deleting unused department rulemaking authority;
50 amending s. 381.0056, F.S., relating to the "School
51 Health Services Act"; deleting legislative findings;
52 deleting the requirement that school health programs
53 funded by health care districts or entities be
54 supplementary to and consistent with the act and other
55 applicable statutes; amending s. 381.0057, F.S.,
56 relating to funding for school health services;
57 deleting legislative intent; amending s. 381.00591,
58 F.S.; permitting the department to apply for and

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59 become a National Environmental Laboratory
60 Accreditation Program accreditation body; eliminating
61 rulemaking authority of the department to implement
62 standards of the National Environmental Laboratory
63 Accreditation Program; amending s. 381.00593, F.S.;
64 deleting unused rulemaking authority relating to the
65 public school volunteer health care practitioner
66 program; amending s. 381.0062, F.S., relating to the
67 "Comprehensive Family Planning Act"; deleting
68 legislative intent; amending s. 381.0065, F.S.;
69 deleting legislative intent; defining the term
70 "bedroom"; conforming cross-references; providing for
71 any permit issued and approved by the Department of
72 Health for the installation, modification, or repair
73 of an onsite sewage treatment and disposal system to
74 transfer with the title of the property; providing
75 circumstances in which an onsite sewage treatment and
76 disposal system is not considered abandoned; providing
77 for the validity of an onsite sewage treatment and
78 disposal system permit if rules change before final
79 approval of the constructed system, under certain
80 conditions; providing that a system modification,
81 replacement, or upgrade is not required unless a
82 bedroom is added to a single-family home; deleting
83 provisions requiring the department to administer an
84 evaluation and assessment program of onsite sewage
85 treatment and disposal systems and requiring property
86 owners to have such systems evaluated at least once
87 every 5 years; deleting obsolete provisions; creating

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88 s. 381.00651, F.S.; requiring a county or municipality
89 containing a first magnitude spring to adopt by
90 ordinance, under certain circumstances, the program
91 for the periodic evaluation and assessment of onsite
92 sewage treatment and disposal systems; requiring the
93 county or municipality to notify the Secretary of
94 State of the ordinance; authorizing a county or
95 municipality, in specified circumstances, to opt out
96 by a majority plus one vote of certain requirements by
97 a specified date; authorizing a county or municipality
98 to adopt or repeal, after a specified date, an
99 ordinance creating an evaluation and assessment
100 program, subject to notification of the Secretary of
101 State; providing criteria for evaluations, qualified
102 contractors, and repair of systems; providing for
103 certain procedures and exemptions in special
104 circumstances; defining the term "system failure";
105 requiring that certain procedures be used for
106 conducting tank and drainfield evaluations; providing
107 for certain procedures in special circumstances;
108 providing for contractor immunity from liability under
109 certain conditions; providing for assessment
110 procedures; providing requirements for county health
111 departments; requiring the Department of Health to
112 allow county health departments and qualified
113 contractors to access the state database to track data
114 and evaluation reports; requiring counties and
115 municipalities to notify the Secretary of
116 Environmental Protection and the Department of Health

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117 when an evaluation program ordinance is adopted;
118 requiring the Department of Environmental Protection
119 to notify those counties or municipalities of the use
120 of, and access to, certain state and federal program
121 funds and to provide certain guidance and technical
122 assistance upon request; prohibiting the adoption of
123 certain rules by the Department of Health; providing
124 for applicability; repealing s. 381.00656, F.S.,
125 relating to a grant program for the repair of onsite
126 sewage treatment and disposal systems; amending s.
127 381.0066, F.S.; lowering the fees imposed by the
128 department for certain permits; conforming cross-
129 references; amending s. 381.0068, F.S.; deleting a
130 date by which a technical review and advisory panel
131 must be established within the department for
132 assistance with rule adoption; deleting the authority
133 of the chair of the panel to advise affected persons
134 or the Legislature of the panel's position on
135 legislation or a proposed state policy or other issue;
136 amending s. 381.00781, F.S.; eliminating the authority
137 of the department to annually adjust maximum fees
138 according to the Consumer Price Index; amending s.
139 381.0098, F.S.; deleting legislative intent with
140 respect to standards for the safe packaging,
141 transport, storage, treatment, and disposal of
142 biomedical waste; amending s. 381.0101, F.S.; deleting
143 legislative intent regarding certification of
144 environmental health professionals; deleting
145 definitions; providing for the Division Director for

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

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175 of the program; requiring minimum funding for graduate
176 education in family practice; deleting reference to an
177 intent to establish a statewide graduate medical
178 education program; amending s. 381.0405, F.S.;
179 deleting an appropriation to the Office of Rural
180 Health; amending s. 381.0406, F.S.; deleting
181 unnecessary introductory language in provisions
182 relating to rural health networks; repealing s.
183 381.045, F.S.; eliminating department authority to
184 provide services to certain health care providers
185 infected with Hepatitis B or HIV; amending s.
186 381.06015, F.S.; deleting obsolete provision that
187 requires the department, the Agency for Health Care
188 Administration, and private consortium members seeking
189 private or federal funds to initiate certain program
190 actions relating to the Public Cord Blood Tissue Bank;
191 repealing s. 381.0605, F.S., relating to designating
192 the Agency for Health Care Administration as the state
193 agency to administer the Federal Hospital and Medical
194 Facilities Amendments of 1964; eliminating authority
195 of the Governor to provide for administration of the
196 amendments; repealing s. 381.102, F.S., to eliminate
197 the community health pilot projects; repealing s.
198 381.103, F.S., to eliminate the duties of the
199 department to assist the community health pilot
200 projects; amending s. 381.4018, F.S.; deleting
201 legislative findings and intent with respect to
202 physician workforce assessment and development;
203 conforming a cross-reference: repealing s. 381.60225,

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204 F.S., to eliminate background screening requirements
205 for health care professionals and owners, operators,
206 and employees of certain health care providers,
207 services, and programs; amending s. 381.7352, F.S.;
208 deleting legislative findings relating to the
209 "Reducing Racial and Ethnic Health Disparities:
210 Closing the Gap Act"; amending s. 381.7353, F.S.;
211 removing the authority of the State Surgeon General to
212 appoint an ad hoc committee to study certain aspects
213 of racial and ethnic health outcome disparities and
214 make recommendations; amending s. 381.7356, F.S.;
215 deleting a provision requiring dissemination of
216 Closing the Gap grant awards to begin on a date
217 certain; amending s. 381.765, F.S.; deleting unused
218 rulemaking authority relating to records and
219 recordkeeping for department-owned property; repealing
220 s. 381.77, F.S., to eliminate the annual survey of
221 nursing home residents age 55 and under; repealing s.
222 381.795, F.S., to eliminate the requirement that the
223 department establish a program of long-term community-
224 based supports and services for individuals with
225 traumatic brain or spinal cord injuries; amending s.
226 381.853, F.S.; deleting legislative findings relating
227 to brain tumor research; repealing s. 381.855, F.S.,
228 which established the Florida Center for Universal
229 Research to Eradicate Disease; repealing s. 381.87,
230 F.S., to eliminate the osteoporosis prevention and
231 education program; amending s. 381.895, F.S.; revising
232 standards for compressed air used for recreational

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233 diving; repealing s. 381.90, F.S., to eliminate the
234 Health Information Systems Council; amending s.
235 381.91, F.S., relating to the Jesse Trice Cancer
236 Program; revising legislative intent; amending
237 381.922, F.S.; conforming a reference; amending s.
238 392.51, F.S., relating to tuberculosis control;
239 removing legislative findings and intent; amending s.
240 392.61, F.S.; eliminating the requirement that the
241 department develop a methodology for distributing
242 funds appropriated for community tuberculosis control
243 programs; amending s. 392.62, F.S.; requiring a
244 contractor to use licensed community hospitals and
245 other facilities for the care and treatment of persons
246 who have active tuberculosis or a history of
247 noncompliance with prescribed drug regimens and
248 require inpatient or other residential services;
249 removing authority of the department to operate a
250 licensed hospital to treat tuberculosis patients;
251 requiring the tuberculosis control program to fund
252 participating facilities; requiring facilities to meet
253 specific conditions; requiring the department to
254 develop a transition plan for the closure of A.G.
255 Holley State Hospital; specifying content of
256 transition plan; requiring submission of the plan to
257 the Governor and Legislature; requiring full
258 implementation of the transition plan by a certain
259 date; amending s. 395.1027, F.S., relating to the
260 regional poison control centers; conforming
261 provisions; amending s. 401.243, F.S.; deleting unused

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262 rulemaking authority governing the implementation of
263 injury-prevention grant programs; amending s. 401.245,
264 F.S.; deleting unused rulemaking authority relating to
265 operating procedures for the Emergency Medical
266 Services Advisory Council; amending s. 401.271, F.S.;
267 deleting unused rulemaking authority relating to an
268 exemption for the spouse of a member of the Armed
269 Forces of the United States on active duty from
270 certification renewal provisions while the spouse is
271 absent from the state because of the member's active
272 duty with the Armed Forces; repealing s. 402.45, F.S.,
273 relating to the community resource mother or father
274 program; amending ss. 400.914 and 409.256, F.S.;
275 conforming references; repealing s. 458.346, F.S.,
276 which created the Public Sector Physician Advisory
277 Committee and established its responsibilities;
278 amending s. 462.19, F.S., relating to the renewal of
279 licenses for practitioners of naturopathy; deleting
280 unused rulemaking authority; repealing s. 464.0197,
281 F.S., relating to state budget support for the Florida
282 Center for Nursing; amending s. 464.208, F.S.;
283 deleting unused rulemaking authority relating to
284 background screening information of certified nursing
285 assistants; amending s. 633.115, F.S.; making
286 conforming changes; amending s. 768.28, F.S., relating
287 to the state's waiver of sovereign immunity;
288 conforming provisions; amending s. 1009.66, F.S.;
289 reassigning responsibility for the Nursing Student
290 Loan Forgiveness Program from the Department of Health

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291 to the Department of Education; amending s. 1009.67,
292 F.S.; reassigning responsibility for the nursing
293 scholarship program from the Department of Health to
294 the Department of Education; providing type two
295 transfers of the programs; providing for transfer of a
296 trust fund; providing applicability to contracts;
297 authorizing transfer of funds and positions between
298 departments; requiring the Division of Medical Quality
299 Assurance to create a plan to improve efficiency of
300 the function of the division; directing the division
301 to take certain actions in creating the plan;
302 directing the division to address particular topics in
303 the plan; requiring all executive branch agencies to
304 assist the department in creating the plan; requesting
305 all other state agencies to assist the department in
306 creating the plan; amending ss. 381.0041, 384.25,
307 392.56, 456.032, and 775.0877, F.S.; conforming cross-
308 references; providing effective dates.

309
310 Be It Enacted by the Legislature of the State of Florida:

311
312 Section 1. Subsections (1), (2), and (3) of section 20.43,
313 Florida Statutes, are amended to read:

314 20.43 Department of Health.—There is created a Department
315 of Health.

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

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320 shall:

321 (a) Identify, diagnose, and conduct surveillance of
322 diseases and health conditions in the state and accumulate the
323 health statistics necessary to establish trends ~~Prevent to the~~
324 ~~fullest extent possible, the occurrence and progression of~~
325 ~~communicable and noncommunicable diseases and disabilities.~~

326 (b) Implement interventions that prevent or limit the
327 impact or spread of diseases and health conditions ~~Maintain a~~
328 ~~constant surveillance of disease occurrence and accumulate~~
329 ~~health statistics necessary to establish disease trends and to~~
330 ~~design health programs.~~

331 (c) Collect, manage, and analyze vital statistics and other
332 health data to inform the public and formulate public health
333 policy and planning ~~Conduct special studies of the causes of~~
334 ~~diseases and formulate preventive strategies.~~

335 (d) Maintain and coordinate preparedness for and responses
336 to public health emergencies in the state ~~Promote the~~
337 ~~maintenance and improvement of the environment as it affects~~
338 ~~public health.~~

339 (e) Provide or ensure the provision of quality health care
340 and related services to identified populations in the state
341 ~~Promote the maintenance and improvement of health in the~~
342 ~~residents of the state.~~

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

347 (g) Regulate health practitioners for the preservation of
348 the health, safety, and welfare of the public ~~Provide health~~

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349 ~~care and early intervention services to infants, toddlers,~~
350 ~~children, adolescents, and high-risk perinatal patients who are~~
351 ~~at risk for disabling conditions or have chronic illnesses.~~

352 ~~(h) Provide services to abused and neglected children~~
353 ~~through child protection teams and sexual abuse treatment~~
354 ~~programs.~~

355 ~~(i) Develop working associations with all agencies and~~
356 ~~organizations involved and interested in health and health care~~
357 ~~delivery.~~

358 ~~(j) Analyze trends in the evolution of health systems, and~~
359 ~~identify and promote the use of innovative, cost-effective~~
360 ~~health delivery systems.~~

361 ~~(k) Serve as the statewide repository of all aggregate data~~
362 ~~accumulated by state agencies related to health care; analyze~~
363 ~~that data and issue periodic reports and policy statements, as~~
364 ~~appropriate; require that all aggregated data be kept in a~~
365 ~~manner that promotes easy utilization by the public, state~~
366 ~~agencies, and all other interested parties; provide technical~~
367 ~~assistance as required; and work cooperatively with the state's~~
368 ~~higher education programs to promote further study and analysis~~
369 ~~of health care systems and health care outcomes.~~

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

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

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378 (2)~~(a)~~ The head of the Department of Health is the State
379 Surgeon General and State Health Officer. The State Surgeon
380 General must be a physician licensed under chapter 458 or
381 chapter 459 who has advanced training or extensive experience in
382 public health administration. The State Surgeon General is
383 appointed by the Governor subject to confirmation by the Senate.
384 The State Surgeon General serves at the pleasure of the
385 Governor. ~~The State Surgeon General shall serve as the leading
386 voice on wellness and disease prevention efforts, including the
387 promotion of healthful lifestyles, immunization practices,
388 health literacy, and the assessment and promotion of the
389 physician and health care workforce in order to meet the health
390 care needs of the state. The State Surgeon General shall focus
391 on advocating healthy lifestyles, developing public health
392 policy, and building collaborative partnerships with schools,
393 businesses, health care practitioners, community-based
394 organizations, and public and private institutions in order to
395 promote health literacy and optimum quality of life for all
396 Floridians.~~

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

400 (3) The following divisions of the Department of Health are
401 established:

402 (a) Division of Administration.

403 (b) Division of Emergency Preparedness and Community
404 Support ~~Environmental Health.~~

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

406 (d) Division of Community Health Promotion ~~Family Health~~

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407 ~~Services.~~

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

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

411 (g) Division of Medical Quality Assurance, which is
412 responsible for the following boards and professions established
413 within the division:

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

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

416 3. The Board of Osteopathic Medicine, created under chapter
417 459.

418 4. The Board of Chiropractic Medicine, created under
419 chapter 460.

420 5. The Board of Podiatric Medicine, created under chapter
421 461.

422 6. Naturopathy, as provided under chapter 462.

423 7. The Board of Optometry, created under chapter 463.

424 8. The Board of Nursing, created under part I of chapter
425 464.

426 9. Nursing assistants, as provided under part II of chapter
427 464.

428 10. The Board of Pharmacy, created under chapter 465.

429 11. The Board of Dentistry, created under chapter 466.

430 12. Midwifery, as provided under chapter 467.

431 13. The Board of Speech-Language Pathology and Audiology,
432 created under part I of chapter 468.

433 14. The Board of Nursing Home Administrators, created under
434 part II of chapter 468.

435 15. The Board of Occupational Therapy, created under part

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436 III of chapter 468.

437 16. Respiratory therapy, as provided under part V of
438 chapter 468.

439 17. Dietetics and nutrition practice, as provided under
440 part X of chapter 468.

441 18. The Board of Athletic Training, created under part XIII
442 of chapter 468.

443 19. The Board of Orthotists and Prosthetists, created under
444 part XIV of chapter 468.

445 20. Electrolysis, as provided under chapter 478.

446 21. The Board of Massage Therapy, created under chapter
447 480.

448 22. The Board of Clinical Laboratory Personnel, created
449 under part III of chapter 483.

450 23. Medical physicists, as provided under part IV of
451 chapter 483.

452 24. The Board of Opticianry, created under part I of
453 chapter 484.

454 25. The Board of Hearing Aid Specialists, created under
455 part II of chapter 484.

456 26. The Board of Physical Therapy Practice, created under
457 chapter 486.

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

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

460 29. The Board of Clinical Social Work, Marriage and Family
461 Therapy, and Mental Health Counseling, created under chapter
462 491.

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

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465 ~~(h) Division of Children's Medical Services Prevention and~~
466 ~~Intervention.~~

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

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

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

470 Section 2. Subsections (14) through (22) of section 20.435,
471 Florida Statutes, are renumbered as subsection (13) through
472 (20), respectively, and present subsections (13) and (17) of
473 that section are amended to read:

474 20.435 Department of Health; trust funds.—The following
475 trust funds shall be administered by the Department of Health:

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

477 ~~(a) Funds to be credited to and uses of the trust fund~~
478 ~~shall be administered in accordance with the provisions of~~
479 ~~chapter 499.~~

480 ~~(b) Notwithstanding the provisions of s. 216.301 and~~
481 ~~pursuant to s. 216.351, any balance in the trust fund at the end~~
482 ~~of any fiscal year shall remain in the trust fund at the end of~~
483 ~~the year and shall be available for carrying out the purposes of~~
484 ~~the trust fund.~~

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

486 ~~(a) Funds to be credited to and uses of the trust fund~~
487 ~~shall be administered in accordance with the provisions of s.~~
488 ~~1009.66.~~

489 ~~(b) Notwithstanding the provisions of s. 216.301 and~~
490 ~~pursuant to s. 216.351, any balance in the trust fund at the end~~
491 ~~of any fiscal year shall remain in the trust fund at the end of~~
492 ~~the year and shall be available for carrying out the purposes of~~
493 ~~the trust fund.~~

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

496 215.5602 James and Esther King Biomedical Research
497 Program.—

498 (10) The council shall submit an annual progress report on
499 the state of biomedical research in this state to ~~the Florida~~
500 ~~Center for Universal Research to Eradicate Disease~~ and to the
501 Governor, the State Surgeon General, the President of the
502 Senate, and the Speaker of the House of Representatives by
503 February 1. The report must include:

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

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

507 (c) A list of publications in peer reviewed journals
508 involving research supported by grants or fellowships awarded
509 under the program.

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

512 (e) New grants for biomedical research which were funded
513 based on research supported by grants or fellowships awarded
514 under the program.

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

518 (12) ~~From funds appropriated to accomplish the goals of~~
519 ~~this section, up to \$250,000 shall be available for the~~
520 ~~operating costs of the Florida Center for Universal Research to~~
521 ~~Eradicate Disease.~~ Beginning in the 2011-2012 fiscal year and
522 thereafter, \$25 million from the revenue deposited into the

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523 Health Care Trust Fund pursuant to ss. 210.011(9) and 210.276(7)
524 shall be reserved for research of tobacco-related or cancer-
525 related illnesses. Of the revenue deposited in the Health Care
526 Trust Fund pursuant to this section, \$25 million shall be
527 transferred to the Biomedical Research Trust Fund within the
528 Department of Health. Subject to annual appropriations in the
529 General Appropriations Act, \$5 million shall be appropriated to
530 the James and Esther King Biomedical Research Program, \$5
531 million shall be appropriated to the William G. "Bill" Bankhead,
532 Jr., and David Coley Cancer Research Program created under s.
533 381.922, \$5 million shall be appropriated to the H. Lee Moffitt
534 Cancer Center and Research Institute established under s.
535 1004.43, \$5 million shall be appropriated to the Sylvester
536 Comprehensive Cancer Center of the University of Miami, and \$5
537 million shall be appropriated to the ~~University of Florida~~
538 Shands Cancer Hospital ~~Center~~.

539 Section 4. Section 381.001, Florida Statutes, is amended to
540 read:

541 381.001 ~~Legislative intent~~; Public health system.—

542 ~~(1) It is the intent of the Legislature that~~ The Department
543 of Health is ~~be~~ responsible for the state's public health system
544 which shall be designed to promote, protect, and improve the
545 health of all people in the state. ~~The mission of the state's~~
546 ~~public health system is to foster the conditions in which people~~
547 ~~can be healthy, by assessing state and community health needs~~
548 ~~and priorities through data collection, epidemiologic studies,~~
549 ~~and community participation; by developing comprehensive public~~
550 ~~health policies and objectives aimed at improving the health~~
551 ~~status of people in the state; and by ensuring essential health~~

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552 ~~care and an environment which enhances the health of the~~
553 ~~individual and the community. The department shall provide~~
554 ~~leadership for Legislature recognizes that the state's public~~
555 ~~health system must be founded on an active partnership working~~
556 ~~toward shared public health goals and involving between federal,~~
557 ~~state, and local governments and the private sector government~~
558 ~~and between the public and private sectors, and, therefore,~~
559 ~~assessment, policy development, and service provision must be~~
560 ~~shared by all of these entities to achieve its mission.~~

561 ~~(2) It is the intent of the Legislature that the~~
562 ~~department, in carrying out the mission of public health, focus~~
563 ~~attention on identifying, assessing, and controlling the~~
564 ~~presence and spread of communicable diseases; on monitoring and~~
565 ~~regulating factors in the environment which may impair the~~
566 ~~public's health, with particular attention to preventing~~
567 ~~contamination of drinking water, the air people breathe, and the~~
568 ~~food people consume; and ensuring availability of and access to~~
569 ~~preventive and primary health care, including, but not limited~~
570 ~~to, acute and episodic care, prenatal and postpartum care, child~~
571 ~~health, family planning, school health, chronic disease~~
572 ~~prevention, child and adult immunization, dental health,~~
573 ~~nutrition, and health education and promotion services.~~

574 ~~(3) It is, furthermore, the intent of the Legislature that~~
575 ~~the public health system include comprehensive planning, data~~
576 ~~collection, technical support, and health resource development~~
577 ~~functions. These functions include, but are not limited to,~~
578 ~~state laboratory and pharmacy services, the state vital~~
579 ~~statistics system, the Florida Center for Health Information and~~
580 ~~Policy Analysis, emergency medical services coordination and~~

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581 ~~support, and recruitment, retention, and development of~~
582 ~~preventive and primary health care professionals and managers.~~

583 ~~(4) It is, furthermore, the intent of the Legislature that~~
584 The department shall provide public health services through the
585 67 county health departments in partnership with county
586 governments, as specified in part I of chapter 154, and in so
587 doing make every attempt possible to solicit the support and
588 involvement of private and not-for-profit health care agencies
589 in fulfilling the public health mission.

590 Section 5. Section 381.0011, Florida Statutes, is amended
591 to read:

592 381.0011 Duties and powers of the Department of Health.—It
593 is the duty of the Department of Health to:

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

599 (2) Formulate general policies affecting the public health
600 of the state.

601 (3) Administer and enforce laws and rules relating to
602 sanitation, control of communicable diseases, illnesses and
603 hazards to health among humans and from animals to humans, and
604 the general health of the people of the state.

605 (4) Coordinate with ~~Cooperate with and accept assistance~~
606 ~~from~~ federal, state, and local officials for the prevention and
607 suppression of communicable and other diseases, illnesses,
608 injuries, and hazards to human health.

609 (5) Declare, enforce, modify, and abolish quarantine of

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610 persons, animals, and premises as the circumstances indicate for
611 controlling communicable diseases or providing protection from
612 unsafe conditions that pose a threat to public health, except as
613 provided in ss. 384.28 and 392.545-392.60.

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

617 1. The closure of premises.

618 2. The movement of persons or animals exposed to or
619 infected with a communicable disease.

620 3. The tests or treatment, including vaccination, for
621 communicable disease required prior to employment or admission
622 to the premises or to comply with a quarantine.

623 4. Testing or destruction of animals with or suspected of
624 having a disease transmissible to humans.

625 5. Access by the department to quarantined premises.

626 6. The disinfection of quarantined animals, persons, or
627 premises.

628 7. Methods of quarantine.

629 (b) Any health regulation that restricts travel or trade
630 within the state may not be adopted or enforced in this state
631 except by authority of the department.

632 (6) Provide for a thorough investigation and study of the
633 incidence, causes, modes of propagation and transmission, and
634 means of prevention, control, and cure of diseases, illnesses,
635 and hazards to human health.

636 (7) Provide for the dissemination of information to the
637 public relative to the prevention, control, and cure of
638 diseases, illnesses, and hazards to human health. ~~The department~~

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639 ~~shall conduct a workshop before issuing any health alert or~~
640 ~~advisory relating to food-borne illness or communicable disease~~
641 ~~in public lodging or food service establishments in order to~~
642 ~~inform persons, trade associations, and businesses of the risk~~
643 ~~to public health and to seek the input of affected persons,~~
644 ~~trade associations, and businesses on the best methods of~~
645 ~~informing and protecting the public, except in an emergency, in~~
646 ~~which case the workshop must be held within 14 days after the~~
647 ~~issuance of the emergency alert or advisory.~~

648 (8) Act as registrar of vital statistics.

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

651 ~~(10) Cooperate with other departments, local officials, and~~
652 ~~private boards and organizations for the improvement and~~
653 ~~preservation of the public health.~~

654 (9) ~~(11)~~ Maintain a statewide injury-prevention program.

655 (10) ~~(12)~~ Adopt rules pursuant to ss. 120.536(1) and 120.54
656 to implement the provisions of law conferring duties upon it.
657 This subsection does not authorize the department to require a
658 permit or license unless such requirement is specifically
659 provided by law.

660 (11) ~~(13)~~ Manage and coordinate emergency preparedness and
661 disaster response functions to: investigate and control the
662 spread of disease; coordinate the availability and staffing of
663 special needs shelters; support patient evacuation; ensure the
664 safety of food and drugs; provide critical incident stress
665 debriefing; and provide surveillance and control of
666 radiological, chemical, biological, and other environmental
667 hazards.

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668 ~~(14) Perform any other duties prescribed by law.~~
669 Section 6. Section 381.0013, Florida Statutes, is repealed.
670 Section 7. Section 381.0015, Florida Statutes, is repealed.
671 Section 8. Section 381.0016, Florida Statutes, is amended
672 to read:
673 381.0016 County and municipal regulations and ordinances.—
674 Any county or municipality may enact, in a manner prescribed by
675 law, health regulations and ordinances not inconsistent with
676 state public health laws and rules adopted by the department.
677 Section 9. Section 381.0017, Florida Statutes, is repealed.
678 Section 10. Section 381.00325, Florida Statutes, is
679 repealed.
680 Section 11. Subsection (1) of section 381.0034, Florida
681 Statutes, is amended to read:
682 381.0034 Requirement for instruction on HIV and AIDS.—
683 (1) ~~As of July 1, 1991,~~ The Department of Health shall
684 require each person licensed or certified under chapter 401,
685 chapter 467, part IV of chapter 468, or chapter 483, as a
686 condition of biennial relicensure, to complete an educational
687 course approved by the department on the modes of transmission,
688 infection control procedures, clinical management, and
689 prevention of human immunodeficiency virus and acquired immune
690 deficiency syndrome. Such course shall include information on
691 current Florida law on acquired immune deficiency syndrome and
692 its impact on testing, confidentiality of test results, and
693 treatment of patients. Each such licensee or certificateholder
694 shall submit confirmation of having completed said course, on a
695 form provided by the department, when submitting fees or
696 application for each biennial renewal.

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697 Section 12. Section 381.0037, Florida Statutes, is
698 repealed.

699 Section 13. Subsections (2) through (11) of section 381.004,
700 Florida Statutes, are renumbered as subsections (1) through
701 (10), respectively, and present subsection (1), paragraph (a) of
702 present subsection (3), paragraph (d) of present subsection (5),
703 present subsection (7), and paragraph (c) of present subsection
704 (11) of that section are amended to read:

705 381.004 HIV testing.—

706 ~~(1) LEGISLATIVE INTENT. The Legislature finds that the use~~
707 ~~of tests designed to reveal a condition indicative of human~~
708 ~~immunodeficiency virus infection can be a valuable tool in~~
709 ~~protecting the public health. The Legislature finds that despite~~
710 ~~existing laws, regulations, and professional standards which~~
711 ~~require or promote the informed, voluntary, and confidential use~~
712 ~~of tests designed to reveal human immunodeficiency virus~~
713 ~~infection, many members of the public are deterred from seeking~~
714 ~~such testing because they misunderstand the nature of the test~~
715 ~~or fear that test results will be disclosed without their~~
716 ~~consent. The Legislature finds that the public health will be~~
717 ~~served by facilitating informed, voluntary, and confidential use~~
718 ~~of tests designed to detect human immunodeficiency virus~~
719 ~~infection.~~

720 (2)~~(3)~~ HUMAN IMMUNODEFICIENCY VIRUS TESTING; INFORMED
721 CONSENT; RESULTS; COUNSELING; CONFIDENTIALITY.—

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

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726 specified in paragraph (h). Informed consent shall be preceded
727 by an explanation of the right to confidential treatment of
728 information identifying the subject of the test and the results
729 of the test to the extent provided by law. Information shall
730 also be provided on the fact that a positive HIV test result
731 will be reported to the county health department with sufficient
732 information to identify the test subject and on the availability
733 and location of sites at which anonymous testing is performed.
734 As required in paragraph (3) (c) ~~(4) (e)~~, each county health
735 department shall maintain a list of sites at which anonymous
736 testing is performed, including the locations, phone numbers,
737 and hours of operation of the sites. Consent need not be in
738 writing provided there is documentation in the medical record
739 that the test has been explained and the consent has been
740 obtained.

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

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

752 (6) (7) EXEMPTIONS.—Except as provided in paragraph (3) (d)
753 ~~(4) (d)~~ and ss. 627.429 and 641.3007, insurers and others
754 participating in activities related to the insurance application

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755 and underwriting process shall be exempt from this section.

756 (10)~~(11)~~ TESTING AS A CONDITION OF TREATMENT OR ADMISSION.-

757 (c) Any violation of this subsection or the rules
758 implementing it shall be punishable as provided in subsection
759 (5) ~~(6)~~.

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

762 381.0046 Statewide HIV and AIDS prevention campaign.-

763 (2) The Department of Health shall establish dedicated ~~four~~
764 positions within the department for HIV and AIDS regional
765 minority coordinators and ~~one position for~~ a statewide HIV and
766 AIDS minority coordinator. The coordinators shall facilitate
767 statewide efforts to implement and coordinate HIV and AIDS
768 prevention and treatment programs. ~~The statewide coordinator~~
769 ~~shall report directly to the chief of the Bureau of HIV and AIDS~~
770 ~~within the Department of Health.~~

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

774 381.005 Primary and preventive health services.-

775 ~~(2) Between October 1, or earlier if the vaccination is~~
776 ~~available, and February 1 of each year, subject to the~~
777 ~~availability of an adequate supply of the necessary vaccine,~~
778 ~~each hospital licensed pursuant to chapter 395 shall implement a~~
779 ~~program to offer immunizations against the influenza virus and~~
780 ~~pneumococcal bacteria to all patients age 65 or older, in~~
781 ~~accordance with the recommendations of the Advisory Committee on~~
782 ~~Immunization Practices of the United States Centers for Disease~~
783 ~~Control and Prevention and subject to the clinical judgment of~~

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784 ~~the responsible practitioner.~~

785 Section 16. Subsections (3) through (7) of section
786 381.0051, Florida Statutes, are renumbered as subsections (2)
787 through (6), respectively, and present subsection (2) of that
788 section is amended to read:

789 381.0051 Family planning.—

790 ~~(2) LEGISLATIVE INTENT. It is the intent of the Legislature~~
791 ~~to make available to citizens of the state of childbearing age~~
792 ~~comprehensive medical knowledge, assistance, and services~~
793 ~~relating to the planning of families and maternal health care.~~

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

796 381.0052 Dental health.—

797 ~~(5) The department may adopt rules to implement this~~
798 ~~section.~~

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

801 381.0053 Comprehensive nutrition program.—

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

804 Section 19. Subsections (3) through (11) of section
805 381.0056, Florida Statutes are renumbered as subsections (2)
806 through (9), respectively, and present subsections (2), (3), and
807 (11) of that section are amended to read:

808 381.0056 School health services program.—

809 ~~(2) The Legislature finds that health services conducted as~~
810 ~~a part of the total school health program should be carried out~~
811 ~~to appraise, protect, and promote the health of students. School~~
812 ~~health services supplement, rather than replace, parental~~

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813 ~~responsibility and are designed to encourage parents to devote~~
814 ~~attention to child health, to discover health problems, and to~~
815 ~~encourage use of the services of their physicians, dentists, and~~
816 ~~community health agencies.~~

817 (2) ~~(3)~~ As ~~When~~ used in ~~or for~~ purposes of this section:

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

822 (b) "Entity" or "health care entity" means a unit of local
823 government or a political subdivision of the state; a hospital
824 licensed under chapter 395; a health maintenance organization
825 certified under chapter 641; a health insurer authorized under
826 the Florida Insurance Code; a community health center; a migrant
827 health center; a federally qualified health center; an
828 organization that meets the requirements for nonprofit status
829 under s. 501(c)(3) of the Internal Revenue Code; a private
830 industry or business; or a philanthropic foundation that agrees
831 to participate in a public-private partnership with a county
832 health department, local school district, or school in the
833 delivery of school health services, and agrees to the terms and
834 conditions for the delivery of such services as required by this
835 section and as documented in the local school health services
836 plan.

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

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

841 (e) "School health services plan" means the document that

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842 describes the services to be provided, the responsibility for
843 provision of the services, the anticipated expenditures to
844 provide the services, and evidence of cooperative planning by
845 local school districts and county health departments.

846 (f) "Screening" means presumptive identification of unknown
847 or unrecognized diseases or defects by the application of tests
848 that can be given with ease and rapidity to apparently healthy
849 persons.

850 ~~(11) School health programs funded by health care districts~~
851 ~~or entities defined in subsection (3) must be supplementary to~~
852 ~~and consistent with the requirements of this section and ss.~~
853 ~~381.0057 and 381.0059.~~

854 Section 20. Subsections (2) through (7) of section
855 381.0057, Florida Statutes, are renumbered as subsections (1)
856 through (6), respectively, and present subsections (1), (4), and
857 (6) of that section are amended to read:

858 381.0057 Funding for school health services.—

859 ~~(1) It is the intent of the Legislature that funds in~~
860 ~~addition to those provided under the School Health Services Act~~
861 ~~be provided to those school districts and schools where there is~~
862 ~~a high incidence of medically underserved high-risk children,~~
863 ~~low birthweight babies, infant mortality, or teenage pregnancy.~~
864 ~~The purpose of this funding is to phase in those programs which~~
865 ~~offer the greatest potential for promoting the health of~~
866 ~~students and reducing teenage pregnancy.~~

867 (3)~~(4)~~ Any school district, school, or laboratory school
868 which desires to receive state funding under the provisions of
869 this section shall submit a proposal to the joint committee
870 established in subsection (2) ~~(3)~~. The proposal shall state the

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871 goals of the program, provide specific plans for reducing
872 teenage pregnancy, and describe all of the health services to be
873 available to students with funds provided pursuant to this
874 section, including a combination of initiatives such as health
875 education, counseling, extracurricular, and self-esteem
876 components. School health services shall not promote elective
877 termination of pregnancy as a part of counseling services. Only
878 those program proposals which have been developed jointly by
879 county health departments and local school districts or schools,
880 and which have community and parental support, shall be eligible
881 for funding. Funding shall be available specifically for
882 implementation of one of the following programs:

883 (a) *School health improvement pilot project.*—The program
884 shall include basic health care to an elementary school, middle
885 school, and high school feeder system. Program services shall
886 include, but not be limited to:

887 1. Planning, implementing, and evaluating school health
888 services. Staffing shall include a full-time, trained school
889 health aide in each elementary, middle, and high school; one
890 full-time nurse to supervise the aides in the elementary and
891 middle schools; and one full-time nurse in each high school.

892 2. Providing student health appraisals and identification
893 of actual or potential health problems by screenings, nursing
894 assessments, and record reviews.

895 3. Expanding screening activities.

896 4. Improving the student utilization of school health
897 services.

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

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900 (b) *Student support services team program.*—The program
901 shall include a multidisciplinary team composed of a
902 psychologist, social worker, and nurse whose responsibilities
903 are to provide basic support services and to assist, in the
904 school setting, children who exhibit mild to severely complex
905 health, behavioral, or learning problems affecting their school
906 performance. Support services shall include, but not be limited
907 to: evaluation and treatment for minor illnesses and injuries,
908 referral and followup for serious illnesses and emergencies,
909 onsite care and consultation, referral to a physician, and
910 followup care for pregnancy or chronic diseases and disorders as
911 well as emotional or mental problems. Services also shall
912 include referral care for drug and alcohol abuse and sexually
913 transmitted diseases, sports and employment physicals,
914 immunizations, and in addition, effective preventive services
915 aimed at delaying early sexual involvement and aimed at
916 pregnancy, acquired immune deficiency syndrome, sexually
917 transmitted diseases, and destructive lifestyle conditions, such
918 as alcohol and drug abuse. Moneys for this program shall be used
919 to fund three teams, each consisting of one half-time
920 psychologist, one full-time nurse, and one full-time social
921 worker. Each team shall provide student support services to an
922 elementary school, middle school, and high school that are a
923 part of one feeder school system and shall coordinate all
924 activities with the school administrator and guidance counselor
925 at each school. A program which places all three teams in middle
926 schools or high schools may also be proposed.

927 (c) *Full service schools.*—The full-service schools shall
928 integrate the services of the Department of Health that are

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929 critical to the continuity-of-care process. The department shall
930 provide services to students on the school grounds. Department
931 personnel shall provide their specialized services as an
932 extension of the educational environment. Such services may
933 include nutritional services, medical services, aid to dependent
934 children, parenting skills, counseling for abused children, and
935 education for the students' parents or guardians.

936

937 Funding may also be available for any other program that is
938 comparable to a program described in this subsection but is
939 designed to meet the particular needs of the community.

940 (5)~~(6)~~ Each school district or school program that is
941 funded through the provisions of this section shall provide a
942 mechanism through which a parent may, by written request, exempt
943 a child from all or certain services provided by a school health
944 services program described in subsection (3) ~~(4)~~.

945 Section 21. Section 381.00591, Florida Statutes, is amended
946 to read:

947 381.00591 Department of Health; National Environmental
948 Laboratory accreditation; application;~~rules.~~—The Department of
949 Health may apply for and become a National Environmental
950 Laboratory Accreditation Program accreditation body ~~accrediting~~
951 ~~authority. The department, as an accrediting entity, may adopt~~
952 ~~rules pursuant to ss. 120.536(1) and 120.54, to implement~~
953 ~~standards of the National Environmental Laboratory Accreditation~~
954 ~~Program, including requirements for proficiency testing~~
955 ~~providers and other rules that are not inconsistent with this~~
956 ~~section, including rules pertaining to fees, application~~
957 ~~procedures, standards applicable to environmental or public~~

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958 ~~water supply laboratories, and compliance.~~

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

962 381.00593 Public school volunteer health care practitioner
963 program.—

964 ~~(8) The Department of Health, in cooperation with the~~
965 ~~Department of Education, may adopt rules necessary to implement~~
966 ~~this section. The rules shall include the forms to be completed~~
967 ~~and procedures to be followed by applicants and school personnel~~
968 ~~under the program.~~

969 Section 23. Subsections (2) through (6) of section
970 381.0062, Florida Statutes, are renumbered as subsections (1)
971 through (6), respectively, and present subsection (1) of that
972 section is amended to read:

973 381.0062 Supervision; private and certain public water
974 systems.—

975 ~~(1) LEGISLATIVE INTENT.—It is the intent of the Legislature~~
976 ~~to protect the public's health by establishing standards for the~~
977 ~~construction, modification, and operation of public and private~~
978 ~~water systems to assure consumers that the water provided by~~
979 ~~those systems is potable.~~

980 Section 24. Subsections (1), (5), (6), and (7) of section
981 381.0065, Florida Statutes, are amended, paragraphs (b) through
982 (p) of subsection (2) of that section are redesignated as
983 paragraphs (c) through (q), respectively, a new paragraph (b) is
984 added to that subsection, paragraph (j) of subsection (3) and
985 paragraph (n) of subsection (4) of that section are amended, and
986 paragraphs (w) through (z) are added to subsection (4) of that

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987 section, to read:

988 381.0065 Onsite sewage treatment and disposal systems;
989 regulation.—

990 (1) LEGISLATIVE INTENT.—

991 (a) It is the intent of the Legislature that proper
992 management of onsite sewage treatment and disposal systems is
993 paramount to the health, safety, and welfare of the public. ~~It~~
994 ~~is further the intent of the Legislature that the department~~
995 ~~shall administer an evaluation program to ensure the operational~~
996 ~~condition of the system and identify any failure with the~~
997 ~~system.~~

998 ~~(b)~~ It is the intent of the Legislature that where a
999 publicly owned or investor-owned sewerage system is not
1000 available, the department shall issue permits for the
1001 construction, installation, modification, abandonment, or repair
1002 of onsite sewage treatment and disposal systems under conditions
1003 as described in this section and rules adopted under this
1004 section. It is further the intent of the Legislature that the
1005 installation and use of onsite sewage treatment and disposal
1006 systems not adversely affect the public health or significantly
1007 degrade the groundwater or surface water.

1008 (2) DEFINITIONS.—As used in ss. 381.0065-381.0067, the
1009 term:

1010 (b)1. "Bedroom" means a room that can be used for sleeping
1011 and that:

1012 a. For site-built dwellings, has a minimum of 70 square
1013 feet of conditioned space;

1014 b. For manufactured homes, is constructed according to
1015 standards of the United States Department of Housing and Urban

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1016 Development and has a minimum of 50 square feet of floor area;

1017 c. Is located along an exterior wall;

1018 d. Has a closet and a door or an entrance where a door
1019 could be reasonably installed; and

1020 e. Has an emergency means of escape and rescue opening to
1021 the outside.

1022 2. A room may not be considered a bedroom if it is used to
1023 access another room except a bathroom or closet.

1024 3. "Bedroom" does not include a hallway, bathroom, kitchen,
1025 living room, family room, dining room, den, breakfast nook,
1026 pantry, laundry room, sunroom, recreation room, media/video
1027 room, or exercise room.

1028 (3) DUTIES AND POWERS OF THE DEPARTMENT OF HEALTH.—The
1029 department shall:

1030 (j) Supervise research on, demonstration of, and training
1031 on the performance, environmental impact, and public health
1032 impact of onsite sewage treatment and disposal systems within
1033 this state. Research fees collected under s. 381.0066(2)(k)
1034 ~~381.0066(2)(l)~~ must be used to develop and fund hands-on
1035 training centers designed to provide practical information about
1036 onsite sewage treatment and disposal systems to septic tank
1037 contractors, master septic tank contractors, contractors,
1038 inspectors, engineers, and the public and must also be used to
1039 fund research projects which focus on improvements of onsite
1040 sewage treatment and disposal systems, including use of
1041 performance-based standards and reduction of environmental
1042 impact. Research projects shall be initially approved by the
1043 technical review and advisory panel and shall be applicable to
1044 and reflect the soil conditions specific to Florida. Such

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1045 projects shall be awarded through competitive negotiation, using
1046 the procedures provided in s. 287.055, to public or private
1047 entities that have experience in onsite sewage treatment and
1048 disposal systems in Florida and that are principally located in
1049 Florida. Research projects shall not be awarded to firms or
1050 entities that employ or are associated with persons who serve on
1051 either the technical review and advisory panel or the research
1052 review and advisory committee.

1053 (4) PERMITS; INSTALLATION; AND CONDITIONS.—A person may not
1054 construct, repair, modify, abandon, or operate an onsite sewage
1055 treatment and disposal system without first obtaining a permit
1056 approved by the department. The department may issue permits to
1057 carry out this section, but shall not make the issuance of such
1058 permits contingent upon prior approval by the Department of
1059 Environmental Protection, except that the issuance of a permit
1060 for work seaward of the coastal construction control line
1061 established under s. 161.053 shall be contingent upon receipt of
1062 any required coastal construction control line permit from the
1063 Department of Environmental Protection. A construction permit is
1064 valid for 18 months from the issuance date and may be extended
1065 by the department for one 90-day period under rules adopted by
1066 the department. A repair permit is valid for 90 days from the
1067 date of issuance. An operating permit must be obtained prior to
1068 the use of any aerobic treatment unit or if the establishment
1069 generates commercial waste. Buildings or establishments that use
1070 an aerobic treatment unit or generate commercial waste shall be
1071 inspected by the department at least annually to assure
1072 compliance with the terms of the operating permit. The operating
1073 permit for a commercial wastewater system is valid for 1 year

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1074 from the date of issuance and must be renewed annually. The
1075 operating permit for an aerobic treatment unit is valid for 2
1076 years from the date of issuance and must be renewed every 2
1077 years. If all information pertaining to the siting, location,
1078 and installation conditions or repair of an onsite sewage
1079 treatment and disposal system remains the same, a construction
1080 or repair permit for the onsite sewage treatment and disposal
1081 system may be transferred to another person, if the transferee
1082 files, within 60 days after the transfer of ownership, an
1083 amended application providing all corrected information and
1084 proof of ownership of the property. There is no fee associated
1085 with the processing of this supplemental information. A person
1086 may not contract to construct, modify, alter, repair, service,
1087 abandon, or maintain any portion of an onsite sewage treatment
1088 and disposal system without being registered under part III of
1089 chapter 489. A property owner who personally performs
1090 construction, maintenance, or repairs to a system serving his or
1091 her own owner-occupied single-family residence is exempt from
1092 registration requirements for performing such construction,
1093 maintenance, or repairs on that residence, but is subject to all
1094 permitting requirements. A municipality or political subdivision
1095 of the state may not issue a building or plumbing permit for any
1096 building that requires the use of an onsite sewage treatment and
1097 disposal system unless the owner or builder has received a
1098 construction permit for such system from the department. A
1099 building or structure may not be occupied and a municipality,
1100 political subdivision, or any state or federal agency may not
1101 authorize occupancy until the department approves the final
1102 installation of the onsite sewage treatment and disposal system.

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1103 A municipality or political subdivision of the state may not
1104 approve any change in occupancy or tenancy of a building that
1105 uses an onsite sewage treatment and disposal system until the
1106 department has reviewed the use of the system with the proposed
1107 change, approved the change, and amended the operating permit.

1108 (n) Evaluations for determining the seasonal high-water
1109 table elevations or the suitability of soils for the use of a
1110 new onsite sewage treatment and disposal system shall be
1111 performed by department personnel, professional engineers
1112 registered in the state, or such other persons with expertise,
1113 as defined by rule, in making such evaluations. Evaluations for
1114 determining mean annual flood lines shall be performed by those
1115 persons identified in paragraph (2)(j) ~~(2)(i)~~. The department
1116 shall accept evaluations submitted by professional engineers and
1117 such other persons as meet the expertise established by this
1118 section or by rule unless the department has a reasonable
1119 scientific basis for questioning the accuracy or completeness of
1120 the evaluation.

1121 (w) Any permit issued and approved by the department for
1122 the installation, modification, or repair of an onsite sewage
1123 treatment and disposal system shall transfer with the title to
1124 the property in a real estate transaction. A title may not be
1125 encumbered at the time of transfer by new permit requirements by
1126 a governmental entity for an onsite sewage treatment and
1127 disposal system which differ from the permitting requirements in
1128 effect at the time the system was permitted, modified, or
1129 repaired. No inspection of a system shall be mandated by any
1130 governmental entity at the point of sale in a real estate
1131 transaction.

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1132 (x) 1. An onsite sewage treatment and disposal system is not
1133 considered abandoned if the system is disconnected from a
1134 structure that was made unusable or destroyed following a
1135 disaster and was properly functioning at the time of
1136 disconnection and not adversely affected by the disaster. The
1137 onsite sewage treatment and disposal system may be reconnected
1138 to a rebuilt structure if:

1139 a. The reconnection of the system is to the same type of
1140 structure which contains the same number of bedrooms or less,
1141 provided the square footage of the structure is less than or
1142 equal to 110 percent of the original square footage of the
1143 structure that existed prior to the disaster;

1144 b. The system is not a sanitary nuisance; and

1145 c. The system has not been altered without prior
1146 authorization.

1147 2. An onsite sewage treatment and disposal system that
1148 serves a property that is foreclosed upon is not considered
1149 abandoned.

1150 (y) If an onsite sewage treatment and disposal system
1151 permittee receives, relies upon, and undertakes construction of
1152 a system based upon a validly issued construction permit under
1153 rules applicable at the time of construction but a change to a
1154 rule occurs within 5 years after the approval of the system for
1155 construction but before the final approval of the system, the
1156 rules applicable and in effect at the time of construction
1157 approval apply at the time of final approval if fundamental site
1158 conditions have not changed between the time of construction
1159 approval and final approval.

1160 (z) A modification, replacement, or upgrade of an onsite

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1161 sewage treatment and disposal system is not required for a
1162 remodeling addition to a single-family home if a bedroom is not
1163 added.

1164 ~~(5) EVALUATION AND ASSESSMENT.—~~

1165 ~~(a) Beginning July 1, 2011, the department shall administer~~
1166 ~~an onsite sewage treatment and disposal system evaluation~~
1167 ~~program for the purpose of assessing the fundamental operational~~
1168 ~~condition of systems and identifying any failures within the~~
1169 ~~systems. The department shall adopt rules implementing the~~
1170 ~~program standards, procedures, and requirements, including, but~~
1171 ~~not limited to, a schedule for a 5-year evaluation cycle,~~
1172 ~~requirements for the pump-out of a system or repair of a failing~~
1173 ~~system, enforcement procedures for failure of a system owner to~~
1174 ~~obtain an evaluation of the system, and failure of a contractor~~
1175 ~~to timely submit evaluation results to the department and the~~
1176 ~~system owner. The department shall ensure statewide~~
1177 ~~implementation of the evaluation and assessment program by~~
1178 ~~January 1, 2016.~~

1179 ~~(b) Owners of an onsite sewage treatment and disposal~~
1180 ~~system, excluding a system that is required to obtain an~~
1181 ~~operating permit, shall have the system evaluated at least once~~
1182 ~~every 5 years to assess the fundamental operational condition of~~
1183 ~~the system, and identify any failure within the system.~~

1184 ~~(c) All evaluation procedures must be documented and~~
1185 ~~nothing in this subsection limits the amount of detail an~~
1186 ~~evaluator may provide at his or her professional discretion. The~~
1187 ~~evaluation must include a tank and drainfield evaluation, a~~
1188 ~~written assessment of the condition of the system, and, if~~
1189 ~~necessary, a disclosure statement pursuant to the department's~~

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1190 ~~procedure.~~

1191 ~~(d)1. Systems being evaluated that were installed prior to~~
1192 ~~January 1, 1983, shall meet a minimum 6-inch separation from the~~
1193 ~~bottom of the drainfield to the wettest season water table~~
1194 ~~elevation as defined by department rule. All drainfield repairs,~~
1195 ~~replacements or modifications to systems installed prior to~~
1196 ~~January 1, 1983, shall meet a minimum 12-inch separation from~~
1197 ~~the bottom of the drainfield to the wettest season water table~~
1198 ~~elevation as defined by department rule.~~

1199 ~~2. Systems being evaluated that were installed on or after~~
1200 ~~January 1, 1983, shall meet a minimum 12-inch separation from~~
1201 ~~the bottom of the drainfield to the wettest season water table~~
1202 ~~elevation as defined by department rule. All drainfield repairs,~~
1203 ~~replacements or modification to systems developed on or after~~
1204 ~~January 1, 1983, shall meet a minimum 24-inch separation from~~
1205 ~~the bottom of the drainfield to the wettest season water table~~
1206 ~~elevation.~~

1207 ~~(e) If documentation of a tank pump-out or a permitted new~~
1208 ~~installation, repair, or modification of the system within the~~
1209 ~~previous 5 years is provided, and states the capacity of the~~
1210 ~~tank and indicates that the condition of the tank is not a~~
1211 ~~sanitary or public health nuisance pursuant to department rule,~~
1212 ~~a pump-out of the system is not required.~~

1213 ~~(f) Owners are responsible for paying the cost of any~~
1214 ~~required pump-out, repair, or replacement pursuant to department~~
1215 ~~rule, and may not request partial evaluation or the omission of~~
1216 ~~portions of the evaluation.~~

1217 ~~(g) Each evaluation or pump-out required under this~~
1218 ~~subsection must be performed by a septic tank contractor or~~

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1219 ~~master septic tank contractor registered under part III of~~
1220 ~~chapter 489, a professional engineer with wastewater treatment~~
1221 ~~system experience licensed pursuant to chapter 471, or an~~
1222 ~~environmental health professional certified under chapter 381 in~~
1223 ~~the area of onsite sewage treatment and disposal system~~
1224 ~~evaluation.~~

1225 ~~(h) The evaluation report fee collected pursuant to s.~~
1226 ~~381.0066(2)(b) shall be remitted to the department by the~~
1227 ~~evaluator at the time the report is submitted.~~

1228 ~~(i) Prior to any evaluation deadline, the department must~~
1229 ~~provide a minimum of 60 days' notice to owners that their~~
1230 ~~systems must be evaluated by that deadline. The department may~~
1231 ~~include a copy of any homeowner educational materials developed~~
1232 ~~pursuant to this section which provides information on the~~
1233 ~~proper maintenance of onsite sewage treatment and disposal~~
1234 ~~systems.~~

1235 (5)~~(6)~~ ENFORCEMENT; RIGHT OF ENTRY; CITATIONS.-

1236 (a) Department personnel who have reason to believe
1237 noncompliance exists, may at any reasonable time, enter the
1238 premises permitted under ss. 381.0065-381.0066, or the business
1239 premises of any septic tank contractor or master septic tank
1240 contractor registered under part III of chapter 489, or any
1241 premises that the department has reason to believe is being
1242 operated or maintained not in compliance, to determine
1243 compliance with the provisions of this section, part I of
1244 chapter 386, or part III of chapter 489 or rules or standards
1245 adopted under ss. 381.0065-381.0067, part I of chapter 386, or
1246 part III of chapter 489. As used in this paragraph, the term
1247 "premises" does not include a residence or private building. To

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1248 gain entry to a residence or private building, the department
1249 must obtain permission from the owner or occupant or secure an
1250 inspection warrant from a court of competent jurisdiction.

1251 (b)1. The department may issue citations that may contain
1252 an order of correction or an order to pay a fine, or both, for
1253 violations of ss. 381.0065-381.0067, part I of chapter 386, or
1254 part III of chapter 489 or the rules adopted by the department,
1255 when a violation of these sections or rules is enforceable by an
1256 administrative or civil remedy, or when a violation of these
1257 sections or rules is a misdemeanor of the second degree. A
1258 citation issued under ss. 381.0065-381.0067, part I of chapter
1259 386, or part III of chapter 489 constitutes a notice of proposed
1260 agency action.

1261 2. A citation must be in writing and must describe the
1262 particular nature of the violation, including specific reference
1263 to the provisions of law or rule allegedly violated.

1264 3. The fines imposed by a citation issued by the department
1265 may not exceed \$500 for each violation. Each day the violation
1266 exists constitutes a separate violation for which a citation may
1267 be issued.

1268 4. The department shall inform the recipient, by written
1269 notice pursuant to ss. 120.569 and 120.57, of the right to an
1270 administrative hearing to contest the citation within 21 days
1271 after the date the citation is received. The citation must
1272 contain a conspicuous statement that if the recipient fails to
1273 pay the fine within the time allowed, or fails to appear to
1274 contest the citation after having requested a hearing, the
1275 recipient has waived the recipient's right to contest the
1276 citation and must pay an amount up to the maximum fine.

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1277 5. The department may reduce or waive the fine imposed by
1278 the citation. In determining whether to reduce or waive the
1279 fine, the department must consider the gravity of the violation,
1280 the person's attempts at correcting the violation, and the
1281 person's history of previous violations including violations for
1282 which enforcement actions were taken under ss. 381.0065-
1283 381.0067, part I of chapter 386, part III of chapter 489, or
1284 other provisions of law or rule.

1285 6. Any person who willfully refuses to sign and accept a
1286 citation issued by the department commits a misdemeanor of the
1287 second degree, punishable as provided in s. 775.082 or s.
1288 775.083.

1289 7. The department, pursuant to ss. 381.0065-381.0067, part
1290 I of chapter 386, or part III of chapter 489, shall deposit any
1291 fines it collects in the county health department trust fund for
1292 use in providing services specified in those sections.

1293 8. This section provides an alternative means of enforcing
1294 ss. 381.0065-381.0067, part I of chapter 386, and part III of
1295 chapter 489. This section does not prohibit the department from
1296 enforcing ss. 381.0065-381.0067, part I of chapter 386, or part
1297 III of chapter 489, or its rules, by any other means. However,
1298 the department must elect to use only a single method of
1299 enforcement for each violation.

1300 (6)~~(7)~~ LAND APPLICATION OF SEPTAGE PROHIBITED.—Effective
1301 January 1, 2016, the land application of septage from onsite
1302 sewage treatment and disposal systems is prohibited. ~~By February~~
1303 ~~1, 2011, the department, in consultation with the Department of~~
1304 ~~Environmental Protection, shall provide a report to the~~
1305 ~~Governor, the President of the Senate, and the Speaker of the~~

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1306 ~~House of Representatives, recommending alternative methods to~~
1307 ~~establish enhanced treatment levels for the land application of~~
1308 ~~septage from onsite sewage and disposal systems. The report~~
1309 ~~shall include, but is not limited to, a schedule for the~~
1310 ~~reduction in land application, appropriate treatment levels,~~
1311 ~~alternative methods for treatment and disposal, enhanced~~
1312 ~~application site permitting requirements including any~~
1313 ~~requirements for nutrient management plans, and the range of~~
1314 ~~costs to local governments, affected businesses, and individuals~~
1315 ~~for alternative treatment and disposal methods. The report shall~~
1316 ~~also include any recommendations for legislation or rule~~
1317 ~~authority needed to reduce land application of septage.~~

1318 Section 25. Section 381.00651, Florida Statutes, is created
1319 to read:

1320 381.00651 Periodic evaluation and assessment of onsite
1321 sewage treatment and disposal systems.—

1322 (1) For the purposes of this section, the term "first
1323 magnitude spring" means a spring that has a median water
1324 discharge of greater than or equal to 100 cubic feet per second
1325 for the period of record, as determined by the Department of
1326 Environmental Protection.

1327 (2) A county or municipality that contains a first
1328 magnitude spring shall, by no later than January 1, 2013,
1329 develop and adopt by local ordinance an onsite sewage treatment
1330 and disposal system evaluation and assessment program that meets
1331 the requirements of this section. The ordinance may apply within
1332 all or part of its geographic area. Those counties or
1333 municipalities containing a first magnitude spring which have
1334 already adopted an onsite sewage treatment and disposal system

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1335 evaluation and assessment program and which meet the
1336 grandfathering requirements contained in this section, or have
1337 chosen to opt out of this section in the manner provided herein,
1338 are exempt from the requirement to adopt an ordinance
1339 implementing an evaluation and assessment program. The governing
1340 body of a local government that chooses to opt out of this
1341 section, by a majority plus one vote of the members of the
1342 governing board, shall do so by adopting a resolution that
1343 indicates an intent on the part of such local government not to
1344 adopt an onsite sewage treatment and disposal system evaluation
1345 and assessment program. Such resolution shall be addressed and
1346 transmitted to the Secretary of State. Absent an interlocal
1347 agreement or county charter provision to the contrary, a
1348 municipality may elect to opt out of the requirements of this
1349 section, by a majority plus one vote of the members of the
1350 governing board, notwithstanding a contrary decision of the
1351 governing body of a county. Any local government that has
1352 properly opted out of this section but subsequently chooses to
1353 adopt an evaluation and assessment program may do so only
1354 pursuant to the requirements of this section and may not deviate
1355 from such requirements.

1356 (3) Any county or municipality that does not contain a
1357 first magnitude spring may at any time develop and adopt by
1358 local ordinance an onsite sewage treatment and disposal system
1359 evaluation and assessment program, provided such program meets
1360 and does not deviate from the requirements of this section.

1361 (4) Notwithstanding any other provision in this section, a
1362 county or municipality that has adopted a program before July 1,
1363 2011, may continue to enforce its current program without having

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1364 to meet the requirements of this section, provided such program
1365 does not require an evaluation at the point of sale in a real
1366 estate transaction.

1367 (5) Any county or municipality may repeal an ordinance
1368 adopted pursuant to this section only if the county or
1369 municipality notifies the Secretary of State by letter of the
1370 repeal. A county or municipality may not adopt an onsite sewage
1371 treatment and disposal system evaluation and assessment program
1372 except pursuant to this section.

1373 (6) The requirements for an onsite sewage treatment and
1374 disposal system evaluation and assessment program are as
1375 follows:

1376 (a) Evaluations.—An evaluation of each onsite sewage
1377 treatment and disposal system within all or part of the county's
1378 or municipality's jurisdiction must take place once every 5
1379 years to assess the fundamental operational condition of the
1380 system and to identify system failures. The ordinance may not
1381 mandate an evaluation at the point of sale in a real estate
1382 transaction and may not require a soil examination. The location
1383 of the system shall be identified. A tank and drainfield
1384 evaluation and a written assessment of the overall condition of
1385 the system pursuant to the assessment procedure prescribed in
1386 subsection (7) are required.

1387 (b) Qualified contractors.—Each evaluation required under
1388 this subsection must be performed by a qualified contractor, who
1389 may be a septic tank contractor or master septic tank contractor
1390 registered under part III of chapter 489, a professional
1391 engineer having wastewater treatment system experience and
1392 licensed under chapter 471, or an environmental health

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1393 professional certified under this chapter in the area of onsite
1394 sewage treatment and disposal system evaluation. Evaluations and
1395 pump-outs may also be performed by an authorized employee
1396 working under the supervision of an individual listed in this
1397 paragraph; however, all evaluation forms must be signed by a
1398 qualified contractor in writing or by electronic signature.

1399 (c) Repair of systems.—The local ordinance may not require
1400 a repair, modification, or replacement of a system as a result
1401 of an evaluation unless the evaluation identifies a system
1402 failure. For purposes of this subsection, the term “system
1403 failure” means a condition existing within an onsite sewage
1404 treatment and disposal system which results in the discharge of
1405 untreated or partially treated wastewater onto the ground
1406 surface or into surface water or that results in the failure of
1407 building plumbing to discharge properly and presents a sanitary
1408 nuisance. A system is not in failure if the system does not have
1409 a minimum separation distance between the drainfield and the
1410 wettest season water table or if an obstruction in a sanitary
1411 line or an effluent screen or filter prevents effluent from
1412 flowing into a drainfield. If a system failure is identified and
1413 several allowable remedial measures are available to resolve the
1414 failure, the system owner may choose the least costly allowable
1415 remedial measure to fix the system. There may be instances in
1416 which a pump-out is sufficient to resolve a system failure.
1417 Allowable remedial measures to resolve a system failure are
1418 limited to what is necessary to resolve the failure and must
1419 meet, to the maximum extent practicable, the requirements of the
1420 repair code in effect when the repair is made, subject to the
1421 exceptions specified in s. 381.0065(4)(g). An engineer-designed

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1422 performance-based treatment system to reduce nutrients may not
1423 be required as an alternative remediation measure to resolve the
1424 failure of a conventional system.

1425 (d) Exemptions.—

1426 1. The local ordinance shall exempt from the evaluation
1427 requirements any system that is required to obtain an operating
1428 permit pursuant to state law or that is inspected by the
1429 department pursuant to the annual permit inspection requirements
1430 of chapter 513.

1431 2. The local ordinance may provide for an exemption or an
1432 extension of time to obtain an evaluation and assessment if
1433 connection to a sewer system is available, connection to the
1434 sewer system is imminent, and written arrangements for payment
1435 of any utility assessments or connection fees have been made by
1436 the system owner.

1437 3. An onsite sewage treatment and disposal system serving a
1438 residential dwelling unit on a lot with a ratio of one bedroom
1439 per acre or greater is exempt from the requirements of this
1440 section and may not be included in any onsite sewage treatment
1441 and disposal system inspection program.

1442 (7) The following procedures shall be used for conducting
1443 evaluations:

1444 (a) Tank evaluation.—The tank evaluation shall assess the
1445 apparent structural condition and watertightness of the tank and
1446 shall estimate the size of the tank. The evaluation must include
1447 a pump-out. However, an ordinance may not require a pump-out if
1448 there is documentation indicating that a tank pump-out or a
1449 permitted new installation, repair, or modification of the
1450 system has occurred within the previous 5 years, identifying the

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1451 capacity of the tank, and indicating that the condition of the
1452 tank is structurally sound and watertight. Visual inspection of
1453 the tank must be made when the tank is empty to detect cracks,
1454 leaks, or other defects. Baffles or tees must be checked to
1455 ensure that they are intact and secure. The evaluation shall
1456 note the presence and condition of outlet devices, effluent
1457 filters, and compartment walls; any structural defect in the
1458 tank; the condition and fit of the tank lid, including manholes;
1459 whether surface water can infiltrate the tank; and whether the
1460 tank was pumped out. If the tank, in the opinion of the
1461 qualified contractor, is in danger of being damaged by leaving
1462 the tank empty after inspection, the tank shall be refilled
1463 before concluding the inspection. Broken or damaged lids or
1464 manholes shall be replaced without obtaining a repair permit.

1465 (b) Drainfield evaluation.—The drainfield evaluation must
1466 include a determination of the approximate size and location of
1467 the drainfield. The evaluation shall state whether there is any
1468 sewage or effluent visible on the ground or discharging to a
1469 ditch or other water body and the location of any downspout or
1470 other source of water near or in the vicinity of the drainfield.

1471 (c) Special circumstances.—If the system contains pumps,
1472 siphons, or alarms, the following information may be provided at
1473 the request of the homeowner:

1474 1. An assessment of dosing tank integrity, including the
1475 approximate volume and the type of material used in the tank's
1476 construction;

1477 2. Whether the pump is elevated off the bottom of the
1478 chamber and its operational status;

1479 3. Whether the system has a check valve and purge hole; and

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1480 4. Whether the system has a high-water alarm, and if so
1481 whether the alarm is audio or visual or both, the location and
1482 operational condition of the alarm, and whether the electrical
1483 connections to the alarm appear satisfactory.

1484
1485 If the homeowner does not request this information, the
1486 qualified contractor and its employee are not liable for any
1487 damages directly relating from a failure of the system's pumps,
1488 siphons, or alarms. This exclusion of liability must be stated
1489 on the front cover of the report required under paragraph (d).

1490 (d) Assessment procedure.—All evaluation procedures used by
1491 a qualified contractor shall be documented in the environmental
1492 health database of the Department of Health. The qualified
1493 contractor shall provide a copy of a written, signed evaluation
1494 report to the property owner upon completion of the evaluation
1495 and to the county health department within 30 days after the
1496 evaluation. The report shall contain the name and license number
1497 of the company providing the report. A copy of the evaluation
1498 report shall be retained by the local county health department
1499 for a minimum of 5 years and until a subsequent inspection
1500 report is filed. The front cover of the report must identify any
1501 system failure and include a clear and conspicuous notice to the
1502 owner that the owner has a right to have any remediation of the
1503 failure performed by a qualified contractor other than the
1504 contractor performing the evaluation. The report must further
1505 identify any crack, leak, improper fit, or other defect in the
1506 tank, manhole, or lid, and any other damaged or missing
1507 component; any sewage or effluent visible on the ground or
1508 discharging to a ditch or other surface water body; any

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1509 downspout, stormwater, or other source of water directed onto or
1510 toward the system; and any other maintenance need or condition
1511 of the system at the time of the evaluation which, in the
1512 opinion of the qualified contractor, would possibly interfere
1513 with or restrict any future repair or modification to the
1514 existing system. The report shall conclude with an overall
1515 assessment of the fundamental operational condition of the
1516 system.

1517 (8) The county health department shall administer any
1518 evaluation program on behalf of a county, or a municipality
1519 within the county, that has adopted an evaluation program
1520 pursuant to this section. In order to administer the evaluation
1521 program, the county or municipality, in consultation with the
1522 county health department, may develop a reasonable fee schedule
1523 to be used solely to pay for the costs of administering the
1524 evaluation program. Such a fee schedule shall be identified in
1525 the ordinance that adopts the evaluation program. When arriving
1526 at a reasonable fee schedule, the estimated annual revenues to
1527 be derived from fees may not exceed reasonable estimated annual
1528 costs of the program. Fees shall be assessed to the system owner
1529 during an inspection and separately identified on the invoice of
1530 the qualified contractor. Fees shall be remitted by the
1531 qualified contractor to the county health department. The county
1532 health department's administrative responsibilities include the
1533 following:

1534 (a) Providing a notice to the system owner at least 60 days
1535 before the system is due for an evaluation. The notice may
1536 include information on the proper maintenance of onsite sewage
1537 treatment and disposal systems.

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1538 (b) In consultation with the Department of Health,
1539 providing uniform disciplinary procedures and penalties for
1540 qualified contractors who do not comply with the requirements of
1541 the adopted ordinance, including, but not limited to, failure to
1542 provide the evaluation report as required in this subsection to
1543 the system owner and the county health department. Only the
1544 county health department may assess penalties against system
1545 owners for failure to comply with the adopted ordinance,
1546 consistent with existing requirements of law.

1547 (9) (a) A county or municipality that adopts an onsite
1548 sewage treatment and disposal system evaluation and assessment
1549 program pursuant to this section shall notify the Secretary of
1550 Environmental Protection, the Department of Health, and the
1551 applicable county health department upon the adoption of its
1552 ordinance establishing the program.

1553 (b) Upon receipt of the notice under paragraph (a), the
1554 Department of Environmental Protection shall, within existing
1555 resources, notify the county or municipality of the potential
1556 use of, and access to, program funds under the Clean Water State
1557 Revolving Fund or s. 319 of the Clean Water Act, provide
1558 guidance in the application process to receive such moneys, and
1559 provide advice and technical assistance to the county or
1560 municipality on how to establish a low-interest revolving loan
1561 program or how to model a revolving loan program after the low-
1562 interest loan program of the Clean Water State Revolving Fund.
1563 This paragraph does not obligate the Department of Environmental
1564 Protection to provide any county or municipality with money to
1565 fund such programs.

1566 (c) The Department of Health may not adopt any rule that

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1567 alters the provisions of this section.

1568 (d) The Department of Health must allow county health
1569 departments and qualified contractors access to the
1570 environmental health database to track relevant information and
1571 assimilate data from assessment and evaluation reports of the
1572 overall condition of onsite sewage treatment and disposal
1573 systems. The environmental health database must be used by
1574 contractors to report each service and evaluation event and by a
1575 county health department to notify owners of onsite sewage
1576 treatment and disposal systems when evaluations are due. Data
1577 and information must be recorded and updated as service and
1578 evaluations are conducted and reported.

1579 (10) This section does not:

1580 (a) Limit county and municipal home rule authority to act
1581 outside the scope of the evaluation and assessment program set
1582 forth in this section;

1583 (b) Repeal or affect any other law relating to the subject
1584 matter of onsite sewage treatment and disposal systems; or

1585 (c) Prohibit a county or municipality from:

1586 1. Enforcing existing ordinances or adopting new ordinances
1587 relating to onsite sewage treatment facilities to address public
1588 health and safety if such ordinances do not repeal, suspend, or
1589 alter the requirements or limitations of this section.

1590 2. Adopting local environmental and pollution abatement
1591 ordinances for water quality improvement as provided for by law
1592 if such ordinances do not repeal, suspend, or alter the
1593 requirements or limitations of this section.

1594 3. Exercising its independent and existing authority to
1595 meet the requirements of s. 381.0065.

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1596 Section 26. Section 381.00656, Florida Statutes, is
1597 repealed.

1598 Section 27. Subsection (2) of section 381.0066, Florida
1599 Statutes, is amended to read:

1600 381.0066 Onsite sewage treatment and disposal systems;
1601 fees.—

1602 (2) The minimum fees in the following fee schedule apply
1603 until changed by rule by the department within the following
1604 limits:

1605 (a) Application review, permit issuance, or system
1606 inspection, including repair of a subsurface, mound, filled, or
1607 other alternative system or permitting of an abandoned system: a
1608 fee of not less than \$25, or more than \$125.

1609 ~~(b) A 5-year evaluation report submitted pursuant to s.~~
1610 ~~381.0065(5): a fee not less than \$15, or more than \$30. At least~~
1611 ~~\$1 and no more than \$5 collected pursuant to this paragraph~~
1612 ~~shall be used to fund a grant program established under s.~~
1613 ~~381.00656.~~

1614 (b)(e) Site evaluation, site reevaluation, evaluation of a
1615 system previously in use, or a per annum septage disposal site
1616 evaluation: a fee of not less than \$40, or more than \$115.

1617 (c)(d) Biennial Operating permit for aerobic treatment
1618 units or performance-based treatment systems: a fee of not more
1619 than \$100.

1620 (d)(e) Annual operating permit for systems located in areas
1621 zoned for industrial manufacturing or equivalent uses or where
1622 the system is expected to receive wastewater which is not
1623 domestic in nature: a fee of not less than \$150, or more than
1624 \$300.

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1625 (e)~~(f)~~ Innovative technology: a fee not to exceed \$25,000.

1626 (f)~~(g)~~ Septage disposal service, septage stabilization

1627 facility, portable or temporary toilet service, tank

1628 manufacturer inspection: a fee of not less than \$25, or more

1629 than \$200, per year.

1630 (g)~~(h)~~ Application for variance: a fee of not less than

1631 \$150, or more than \$300.

1632 (h)~~(i)~~ Annual operating permit for waterless, incinerating,

1633 or organic waste composting toilets: a fee of not less than \$15

1634 ~~\$50~~, or more than \$30 ~~\$150~~.

1635 (i)~~(j)~~ Aerobic treatment unit or performance-based

1636 treatment system maintenance entity permit: a fee of not less

1637 than \$25, or more than \$150, per year.

1638 (j)~~(k)~~ Reinspection fee per visit for site inspection after

1639 system construction approval or for noncompliant system

1640 installation per site visit: a fee of not less than \$25, or more

1641 than \$100.

1642 (k)~~(l)~~ Research: An additional \$5 fee shall be added to

1643 each new system construction permit issued to be used to fund

1644 onsite sewage treatment and disposal system research,

1645 demonstration, and training projects. Five dollars from any

1646 repair permit fee collected under this section shall be used for

1647 funding the hands-on training centers described in s.

1648 381.0065(3) (j).

1649 (l)~~(m)~~ Annual operating permit, including annual inspection

1650 and any required sampling and laboratory analysis of effluent,

1651 for an engineer-designed performance-based system: a fee of not

1652 less than \$150, or more than \$300.

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1654 ~~On or before January 1, 2011, the Surgeon General, after~~
1655 ~~consultation with the Revenue Estimating Conference, shall~~
1656 ~~determine a revenue neutral fee schedule for services provided~~
1657 ~~pursuant to s. 381.0065(5) within the parameters set in~~
1658 ~~paragraph (b). Such determination is not subject to the~~
1659 ~~provisions of chapter 120.~~ The funds collected pursuant to this
1660 subsection must be deposited in a trust fund administered by the
1661 department, to be used for the purposes stated in this section
1662 and ss. 381.0065 and 381.00655.

1663 Section 28. Section 381.0068, Florida Statutes, is amended
1664 to read:

1665 381.0068 Technical review and advisory panel.—

1666 (1) The Department of Health shall, ~~by July 1, 1996,~~
1667 establish and staff a technical review and advisory panel to
1668 assist the department with rule adoption.

1669 (2) The primary purpose of the panel is to assist the
1670 department in rulemaking and decisionmaking by drawing on the
1671 expertise of representatives from several groups that are
1672 affected by onsite sewage treatment and disposal systems. The
1673 panel may also review and comment on any legislation or any
1674 existing or proposed state policy or issue related to onsite
1675 sewage treatment and disposal systems. ~~If requested by the~~
1676 ~~panel, the chair will advise any affected person or member of~~
1677 ~~the Legislature of the panel's position on the legislation or~~
1678 ~~any existing or proposed state policy or issue.~~ The chair may
1679 also take such other action as is appropriate to allow the panel
1680 to function. At a minimum, the panel shall consist of a soil
1681 scientist; a professional engineer registered in this state who
1682 is recommended by the Florida Engineering Society and who has

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1683 work experience in onsite sewage treatment and disposal systems;
1684 two representatives from the home-building industry recommended
1685 by the Florida Home Builders Association, including one who is a
1686 developer in this state who develops lots using onsite sewage
1687 treatment and disposal systems; a representative from the county
1688 health departments who has experience permitting and inspecting
1689 the installation of onsite sewage treatment and disposal systems
1690 in this state; a representative from the real estate industry
1691 who is recommended by the Florida Association of Realtors; a
1692 consumer representative with a science background; two
1693 representatives of the septic tank industry recommended by the
1694 Florida Onsite Wastewater Association, including one who is a
1695 manufacturer of onsite sewage treatment and disposal systems; a
1696 representative from local government who is knowledgeable about
1697 domestic wastewater treatment and who is recommended by the
1698 Florida Association of Counties and the Florida League of
1699 Cities; and a representative from the environmental health
1700 profession who is recommended by the Florida Environmental
1701 Health Association and who is not employed by a county health
1702 department. Members are to be appointed for a term of 2 years.
1703 The panel may also, as needed, be expanded to include ad hoc,
1704 nonvoting representatives who have topic-specific expertise. All
1705 rules proposed by the department which relate to onsite sewage
1706 treatment and disposal systems must be presented to the panel
1707 for review and comment prior to adoption. The panel's position
1708 on proposed rules shall be made a part of the rulemaking record
1709 that is maintained by the agency. The panel shall select a
1710 chair, who shall serve for a period of 1 year and who shall
1711 direct, coordinate, and execute the duties of the panel. The

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1712 panel shall also solicit input from the department's variance
1713 review and advisory committee before submitting any comments to
1714 the department concerning proposed rules. The panel's comments
1715 must include any dissenting points of view concerning proposed
1716 rules. The panel shall hold meetings as it determines necessary
1717 to conduct its business, except that the chair, a quorum of the
1718 voting members of the panel, or the department may call
1719 meetings. The department shall keep minutes of all meetings of
1720 the panel. Panel members shall serve without remuneration, but,
1721 if requested, shall be reimbursed for per diem and travel
1722 expenses as provided in s. 112.061.

1723 Section 29. Section 381.00781, Florida Statutes, is amended
1724 to read:

1725 381.00781 Fees; disposition.—

1726 ~~(1)~~ The department shall establish by rule the following
1727 fees:

1728 (1) ~~(a)~~ Fee For the initial licensure of a tattoo
1729 establishment and the renewal of such license, a fee which,
1730 ~~except as provided in subsection (2),~~ may not to exceed \$250 per
1731 year.

1732 (2) ~~(b)~~ Fee For licensure of a temporary establishment, a
1733 fee which, ~~except as provided in subsection (2),~~ may not to
1734 exceed \$250.

1735 (3) ~~(c)~~ Fee For the initial licensure of a tattoo artist and
1736 the renewal of such license, a fee which, ~~except as provided in~~
1737 ~~subsection (2),~~ may not to exceed \$150 per year.

1738 (4) ~~(d)~~ Fee For registration or reregistration of a guest
1739 tattoo artist, a fee which, ~~except as provided in subsection~~
1740 ~~(2),~~ may not to exceed \$45.

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1741 (5)~~(e)~~ Fee For reactivation of an inactive tattoo
1742 establishment license or tattoo artist license. A license
1743 becomes inactive if it is not renewed before the expiration of
1744 the current license.

1745 ~~(2) The department may annually adjust the maximum fees~~
1746 ~~authorized under subsection (1) according to the rate of~~
1747 ~~inflation or deflation indicated by the Consumer Price Index for~~
1748 ~~All Urban Consumers, U.S. City Average, All Items, as reported~~
1749 ~~by the United States Department of Labor.~~

1750 Section 30. Subsection (1) of section 381.0098, Florida
1751 Statutes, is amended to read:

1752 381.0098 Biomedical waste.—

1753 (1) LEGISLATIVE INTENT.—~~It is the intent of the Legislature~~
1754 ~~to protect the public health by establishing standards for the~~
1755 ~~safe packaging, transport, storage, treatment, and disposal of~~
1756 ~~biomedical waste.~~ Except as otherwise provided herein, the
1757 Department of Health shall regulate the packaging, transport,
1758 storage, and treatment of biomedical waste. The Department of
1759 Environmental Protection shall regulate onsite and offsite
1760 incineration and disposal of biomedical waste. Consistent with
1761 the foregoing, the Department of Health shall have the exclusive
1762 authority to establish treatment efficacy standards for
1763 biomedical waste and the Department of Environmental Protection
1764 shall have the exclusive authority to establish statewide
1765 standards relating to environmental impacts, if any, of
1766 treatment and disposal including, but not limited to, water
1767 discharges and air emissions. An interagency agreement between
1768 the Department of Environmental Protection and the Department of
1769 Health shall be developed to ensure maximum efficiency in

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1770 coordinating, administering, and regulating biomedical wastes.

1771 Section 31. Subsections (2) through (8) of section
 1772 381.0101, Florida Statutes, are renumbered as subsection (1)
 1773 through (7), respectively, and present subsections (1), (2),
 1774 (3), and (4) and paragraph (a) of present subsection (5) of that
 1775 section are amended to read:

1776 381.0101 Environmental health professionals.—

1777 ~~(1) LEGISLATIVE INTENT.—Persons responsible for providing~~
 1778 ~~technical and scientific evaluations of environmental health and~~
 1779 ~~sanitary conditions in business establishments and communities~~
 1780 ~~throughout the state may create a danger to the public health if~~
 1781 ~~they are not skilled or competent to perform such evaluations.~~
 1782 ~~The public relies on the judgment of environmental health~~
 1783 ~~professionals employed by both government agencies and~~
 1784 ~~industries to assure them that environmental hazards are~~
 1785 ~~identified and removed before they endanger the health or safety~~
 1786 ~~of the public. The purpose of this section is to assure the~~
 1787 ~~public that persons specifically responsible for performing~~
 1788 ~~environmental health and sanitary evaluations have been~~
 1789 ~~certified by examination as competent to perform such work.~~

1790 (1)~~(2)~~ DEFINITIONS.—As used in this section:

1791 (a) "Board" means the Environmental Health Professionals
 1792 Advisory Board.

1793 (b) "Department" means the Department of Health.

1794 (c) "Environmental health" means that segment of public
 1795 health work which deals with the examination of those factors in
 1796 the human environment which may impact adversely on the health
 1797 status of an individual or the public.

1798 (d) "Environmental health professional" means a person who

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1799 is employed or assigned the responsibility for assessing the
1800 environmental health or sanitary conditions, as defined by the
1801 department, within a building, on an individual's property, or
1802 within the community at large, and who has the knowledge,
1803 skills, and abilities to carry out these tasks. Environmental
1804 health professionals may be either field, supervisory, or
1805 administrative staff members.

1806 (e) "Certified" means a person who has displayed competency
1807 to perform evaluations of environmental or sanitary conditions
1808 through examination.

1809 (f) "Registered sanitarian," "R.S.," "Registered
1810 Environmental Health Specialist," or "R.E.H.S." means a person
1811 who has been certified by either the National Environmental
1812 Health Association or the Florida Environmental Health
1813 Association as knowledgeable in the environmental health
1814 profession.

1815 (g) "Primary environmental health program" means those
1816 programs determined by the department to be essential for
1817 providing basic environmental and sanitary protection to the
1818 public. At a minimum, these programs shall include food
1819 protection program work and onsite sewage treatment and disposal
1820 system evaluations.

1821 (2) ~~(3)~~ CERTIFICATION REQUIRED.—A ~~No~~ person may not ~~shall~~
1822 perform environmental health or sanitary evaluations in any
1823 primary program area of environmental health without being
1824 certified by the department as competent to perform such
1825 evaluations. This section does not apply to:

1826 (a) Persons performing inspections of public food service
1827 establishments licensed under chapter 509; or

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1828 (b) Persons performing site evaluations in order to
1829 determine proper placement and installation of onsite wastewater
1830 treatment and disposal systems who have successfully completed a
1831 department-approved soils morphology course and who are working
1832 under the direct responsible charge of an engineer licensed
1833 under chapter 471.

1834 (3)~~(4)~~ ENVIRONMENTAL HEALTH PROFESSIONALS ADVISORY BOARD.-
1835 The State Health Officer shall appoint an advisory board to
1836 assist the department in the promulgation of rules for
1837 certification, testing, establishing standards, and seeking
1838 enforcement actions against certified professionals.

1839 (a) The board shall be comprised of the Division Director
1840 for Emergency Preparedness and Community Support ~~Environmental~~
1841 ~~Health~~ or his or her designee, one individual who will be
1842 certified under this section, one individual not employed in a
1843 governmental capacity who will or does employ a certified
1844 environmental health professional, one individual whose business
1845 is or will be evaluated by a certified environmental health
1846 professional, a citizen of the state who neither employs nor is
1847 routinely evaluated by a person certified under this section.

1848 (b) The board shall advise the department as to the minimum
1849 disciplinary guidelines and standards of competency and
1850 proficiency necessary to obtain certification in a primary area
1851 of environmental health practice.

1852 1. The board shall recommend primary areas of environmental
1853 health practice in which environmental health professionals
1854 should be required to obtain certification.

1855 2. The board shall recommend minimum standards of practice
1856 which the department shall incorporate into rule.

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1857 3. The board shall evaluate and recommend to the department
1858 existing registrations and certifications which meet or exceed
1859 minimum department standards and should, therefore, exempt
1860 holders of such certificates or registrations from compliance
1861 with this section.

1862 4. The board shall hear appeals of certificate denials,
1863 revocation, or suspension and shall advise the department as to
1864 the disposition of such an appeal.

1865 5. The board shall meet as often as necessary, but no less
1866 than semiannually, handle appeals to the department, and conduct
1867 other duties of the board.

1868 6. Members of the board shall receive no compensation but
1869 are entitled to reimbursement for per diem and travel expenses
1870 in accordance with s. 112.061.

1871 (4)~~(5)~~ STANDARDS FOR CERTIFICATION.—The department shall
1872 adopt rules that establish definitions of terms and minimum
1873 standards of education, training, or experience for those
1874 persons subject to this section. The rules must also address the
1875 process for application, examination, issuance, expiration, and
1876 renewal of certification and ethical standards of practice for
1877 the profession.

1878 (a) Persons employed as environmental health professionals
1879 shall exhibit a knowledge of rules and principles of
1880 environmental and public health law in Florida through
1881 examination. A person may not conduct environmental health
1882 evaluations in a primary program area unless he or she is
1883 currently certified in that program area or works under the
1884 direct supervision of a certified environmental health
1885 professional.

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1886 1. All persons who begin employment in a primary
1887 environmental health program on or after September 21, 1994,
1888 must be certified in that program within 6 months after
1889 employment.

1890 2. Persons employed in the primary environmental health
1891 program of a food protection program or an onsite sewage
1892 treatment and disposal system prior to September 21, 1994, shall
1893 be considered certified while employed in that position and
1894 shall be required to adhere to any professional standards
1895 established by the department pursuant to paragraph (b),
1896 complete any continuing education requirements imposed under
1897 paragraph (d), and pay the certificate renewal fee imposed under
1898 subsection (6) ~~(7)~~.

1899 3. Persons employed in the primary environmental health
1900 program of a food protection program or an onsite sewage
1901 treatment and disposal system prior to September 21, 1994, who
1902 change positions or program areas and transfer into another
1903 primary environmental health program area on or after September
1904 21, 1994, must be certified in that program within 6 months
1905 after such transfer, except that they will not be required to
1906 possess the college degree required under paragraph (e).

1907 4. Registered sanitarians shall be considered certified and
1908 shall be required to adhere to any professional standards
1909 established by the department pursuant to paragraph (b).

1910 Section 32. Section 381.0203, Florida Statutes, is amended
1911 to read:

1912 381.0203 Pharmacy services.—

1913 (1) The department may contract on a statewide basis for
1914 the purchase of drugs, as defined in s. 499.003, to be used by

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1915 state agencies and political subdivisions, and may adopt rules
1916 to administer this section.

1917 (2) The department shall establish and maintain a pharmacy
1918 services program, including, but not limited to:

1919 (a) A central pharmacy to support pharmaceutical services
1920 provided by the county health departments, including
1921 pharmaceutical repackaging, dispensing, and the purchase and
1922 distribution of immunizations and other pharmaceuticals.

1923 ~~(b) Regulation of drugs, cosmetics, and household products~~
1924 ~~pursuant to chapter 499.~~

1925 (b)~~(e)~~ Consultation to county health departments as
1926 required by s. 154.04(1)(c).

1927 ~~(d) A contraception distribution program which shall be~~
1928 ~~implemented, to the extent resources permit, through the~~
1929 ~~licensed pharmacies of county health departments. A woman who is~~
1930 ~~eligible for participation in the contraceptive distribution~~
1931 ~~program is deemed a patient of the county health department.~~

1932 ~~1. To be eligible for participation in the program a woman~~
1933 ~~must:~~

1934 ~~a. Be a client of the department or the Department of~~
1935 ~~Children and Family Services.~~

1936 ~~b. Be of childbearing age with undesired fertility.~~

1937 ~~c. Have an income between 150 and 200 percent of the~~
1938 ~~federal poverty level.~~

1939 ~~d. Have no Medicaid benefits or applicable health insurance~~
1940 ~~benefits.~~

1941 ~~e. Have had a medical examination by a licensed health care~~
1942 ~~provider within the past 6 months.~~

1943 ~~f. Have a valid prescription for contraceptives that are~~

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1944 ~~available through the contraceptive distribution program.~~

1945 ~~g. Consent to the release of necessary medical information~~
1946 ~~to the county health department.~~

1947 ~~2. Fees charged for the contraceptives under the program~~
1948 ~~must cover the cost of purchasing and providing contraceptives~~
1949 ~~to women participating in the program.~~

1950 ~~3. The department may adopt rules to administer this~~
1951 ~~program.~~

1952 Section 33. Subsection (1) of section 381.0261, Florida
1953 Statutes, is amended to read:

1954 381.0261 Summary of patient's bill of rights; distribution;
1955 penalty.-

1956 (1) The Department of Health shall publish on its Internet
1957 website ~~Agency for Health Care Administration shall have printed~~
1958 ~~and made continuously available to health care facilities~~
1959 ~~licensed under chapter 395, physicians licensed under chapter~~
1960 ~~458, osteopathic physicians licensed under chapter 459, and~~
1961 ~~pediatric physicians licensed under chapter 461~~ a summary of the
1962 Florida Patient's Bill of Rights and Responsibilities. In
1963 adopting and making available to patients the summary of the
1964 Florida Patient's Bill of Rights and Responsibilities, health
1965 care providers and health care facilities are not limited to the
1966 format in which the department publishes ~~Agency for Health Care~~
1967 ~~Administration prints and distributes~~ the summary.

1968 Section 34. Section 381.0301, Florida Statutes, is
1969 repealed.

1970 Section 35. Section 381.0302, Florida Statutes, is
1971 repealed.

1972 Section 36. Subsection (5) of section 381.0303, Florida

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1973 Statutes, is amended to read:

1974 381.0303 Special needs shelters.—

1975 (5) SPECIAL NEEDS SHELTER INTERAGENCY COMMITTEE.—The State
1976 Surgeon General may establish a special needs shelter
1977 interagency committee and serve as, or appoint a designee to
1978 serve as, the committee's chair. The department shall provide
1979 any necessary staff and resources to support the committee in
1980 the performance of its duties. The committee shall address and
1981 resolve problems related to special needs shelters not addressed
1982 in the state comprehensive emergency medical plan and shall
1983 consult on the planning and operation of special needs shelters.

1984 (a) The committee shall—

1985 ~~1-~~ develop, negotiate, and regularly review any necessary
1986 interagency agreements, and-

1987 ~~2-~~ undertake other such activities as the department deems
1988 necessary to facilitate the implementation of this section.

1989 ~~3. Submit recommendations to the Legislature as necessary.~~

1990 (b) The special needs shelter interagency committee shall
1991 be composed of representatives of emergency management, health,
1992 medical, and social services organizations. Membership shall
1993 include, but shall not be limited to, representatives of the
1994 Departments of Health, Children and Family Services, Elderly
1995 Affairs, and Education; the Agency for Health Care
1996 Administration; the Division of Emergency Management; the
1997 Florida Medical Association; the Florida Osteopathic Medical
1998 Association; Associated Home Health Industries of Florida, Inc.;
1999 the Florida Nurses Association; the Florida Health Care
2000 Association; the Florida Assisted Living Affiliation; the
2001 Florida Hospital Association; the Florida Statutory Teaching

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2002 Hospital Council; the Florida Association of Homes for the
2003 Aging; the Florida Emergency Preparedness Association; the
2004 American Red Cross; Florida Hospices and Palliative Care, Inc.;
2005 the Association of Community Hospitals and Health Systems; the
2006 Florida Association of Health Maintenance Organizations; the
2007 Florida League of Health Systems; the Private Care Association;
2008 the Salvation Army; the Florida Association of Aging Services
2009 Providers; the AARP; and the Florida Renal Coalition.

2010 (c) Meetings of the committee shall be held in Tallahassee,
2011 and members of the committee shall serve at the expense of the
2012 agencies or organizations they represent. The committee shall
2013 make every effort to use teleconference or videoconference
2014 capabilities in order to ensure statewide input and
2015 participation.

2016 Section 37. Section 381.04015, Florida Statutes, is
2017 repealed.

2018 Section 38. Subsections (2), (3), and (4) of section
2019 381.0403, Florida Statutes, are amended to read:

2020 381.0403 The Community Hospital Education Act.—

2021 (2) ESTABLISHMENT OF PROGRAM ~~LEGISLATIVE INTENT.~~—

2022 ~~(a) It is the intent of the Legislature that health care~~
2023 ~~services for the citizens of this state be upgraded and that a~~
2024 ~~program for continuing these services be maintained through a~~
2025 ~~plan for community medical education. The~~ A ~~program is intended~~
2026 ~~established to~~ plan for community medical education, ~~provide~~
2027 ~~additional outpatient and inpatient services,~~ increase the a
2028 ~~continuing~~ supply of highly trained physicians, and expand
2029 graduate medical education.

2030 ~~(b) The Legislature further acknowledges the critical need~~

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2031 ~~for increased numbers of primary care physicians to provide the~~
2032 ~~necessary current and projected health and medical services. In~~
2033 ~~order to meet both present and anticipated needs, the~~
2034 ~~Legislature supports an expansion in the number of family~~
2035 ~~practice residency positions. The Legislature intends that the~~
2036 ~~funding for graduate education in family practice be maintained~~
2037 ~~and that funding for all primary care specialties be provided at~~
2038 ~~a minimum of \$10,000 per resident per year. Should funding for~~
2039 ~~this act remain constant or be reduced, it is intended that all~~
2040 ~~programs funded by this act be maintained or reduced~~
2041 ~~proportionately.~~

2042 (3) PROGRAM FOR COMMUNITY HOSPITAL EDUCATION; STATE AND
2043 LOCAL PLANNING.—

2044 (a) ~~There is established under the Department of Health a~~
2045 ~~program for statewide graduate medical education. It is intended~~
2046 ~~that continuing graduate medical education programs for interns~~
2047 ~~and residents be established on a statewide basis. The program~~
2048 ~~shall provide financial support for primary care specialty~~
2049 ~~interns and residents based on recommendations of policies~~
2050 ~~recommended and approved by the Community Hospital Education~~
2051 ~~Council, herein established, and the Department of Health, as~~
2052 ~~authorized by the General Appropriations Act. Only those~~
2053 ~~programs with at least three residents or interns in each year~~
2054 ~~of the training program are qualified to apply for financial~~
2055 ~~support. Programs with fewer than three residents or interns per~~
2056 ~~training year are qualified to apply for financial support, but~~
2057 ~~only if the appropriate accrediting entity for the particular~~
2058 ~~specialty has approved the program for fewer positions. New~~
2059 ~~programs added after fiscal year 1997-1998 shall have 5 years to~~

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2060 attain the requisite number of residents or interns. When
2061 feasible and to the extent allowed through the General
2062 Appropriations Act, state funds shall be used to generate
2063 federal matching funds under Medicaid, or other federal
2064 programs, and the resulting combined state and federal funds
2065 shall be allocated to participating hospitals for the support of
2066 graduate medical education.

2067 (b) For the purposes of this section, primary care
2068 specialties include emergency medicine, family practice,
2069 internal medicine, pediatrics, psychiatry,
2070 obstetrics/gynecology, and combined pediatrics and internal
2071 medicine, and other primary care specialties as may be included
2072 by the council and Department of Health.

2073 (c) Medical institutions throughout the state may apply to
2074 the Community Hospital Education Council for grants-in-aid for
2075 financial support of their approved programs. Recommendations
2076 for funding of approved programs shall be forwarded to the
2077 Department of Health.

2078 (d) The program shall provide a plan for community clinical
2079 teaching and training with the cooperation of the medical
2080 profession, hospitals, and clinics. The plan shall also include
2081 formal teaching opportunities for intern and resident training.
2082 In addition, the plan shall establish an off-campus medical
2083 faculty with university faculty review to be located throughout
2084 the state in local communities.

2085 (4) PROGRAM FOR GRADUATE MEDICAL EDUCATION INNOVATIONS.—

2086 (a) There is established under the Department of Health a
2087 program for fostering graduate medical education innovations.
2088 Funds appropriated annually by the Legislature for this purpose

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2089 shall be distributed to participating hospitals or consortia of
2090 participating hospitals and Florida medical schools or to a
2091 Florida medical school for the direct costs of providing
2092 graduate medical education in community-based clinical settings
2093 on a competitive grant or formula basis to achieve state health
2094 care workforce policy objectives, including, but not limited to:

- 2095 1. Increasing the number of residents in primary care and
2096 other high demand specialties or fellowships;
- 2097 2. Enhancing retention of primary care physicians in
2098 Florida practice;
- 2099 3. Promoting practice in medically underserved areas of the
2100 state;
- 2101 4. Encouraging racial and ethnic diversity within the
2102 state's physician workforce; and
- 2103 5. Encouraging increased production of geriatricians.

2104 (b) Participating hospitals or consortia of participating
2105 hospitals and Florida medical schools or a Florida medical
2106 school providing graduate medical education in community-based
2107 clinical settings may apply to the Community Hospital Education
2108 Council for funding under this innovations program, except when
2109 such innovations directly compete with services or programs
2110 provided by participating hospitals or consortia of
2111 participating hospitals, or by both hospitals and consortia.
2112 Innovations program funding shall be allocated ~~provide funding~~
2113 based on recommendations of ~~policies recommended and approved by~~
2114 the Community Hospital Education Council and the Department of
2115 Health, as authorized by the General Appropriations Act.

2116 (c) Participating hospitals or consortia of participating
2117 hospitals and Florida medical schools or Florida medical schools

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2118 awarded an innovations grant shall provide the Community
2119 Hospital Education Council and Department of Health with an
2120 annual report on their project.

2121 Section 39. Subsection (7) of section 381.0405, Florida
2122 Statutes, is amended to read:

2123 381.0405 Office of Rural Health.—

2124 ~~(7) APPROPRIATION. The Legislature shall appropriate such~~
2125 ~~sums as are necessary to support the Office of Rural Health.~~

2126 Section 40. Subsection (3) of section 381.0406, Florida
2127 Statutes, is amended to read:

2128 381.0406 Rural health networks.—

2129 (3) ~~Because each rural area is unique, with a different~~
2130 ~~health care provider mix,~~ Health care provider membership may
2131 vary, but all networks shall include members that provide public
2132 health, comprehensive primary care, emergency medical care, and
2133 acute inpatient care.

2134 Section 41. Section 381.045, Florida Statutes, is repealed.

2135 Section 42. Subsection (7) of section 381.06015, Florida
2136 Statutes, is amended to read:

2137 381.06015 Public Cord Blood Tissue Bank.—

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

2143 Section 43. Section 381.0605, Florida Statutes, is
2144 repealed.

2145 Section 44. Section 381.102, Florida Statutes, is repealed.

2146 Section 45. Section 381.103, Florida Statutes, is repealed.

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2147 Section 46. Subsections (3) through (5) of section
2148 381.4018, Florida Statutes, are renumbered as subsections (2)
2149 through (4), respectively, and present subsection (2) and
2150 paragraph (f) of present subsection (4) of that section are
2151 amended to read:

2152 381.4018 Physician workforce assessment and development.—

2153 ~~(2) LEGISLATIVE INTENT. The Legislature recognizes that~~
2154 ~~physician workforce planning is an essential component of~~
2155 ~~ensuring that there is an adequate and appropriate supply of~~
2156 ~~well-trained physicians to meet this state's future health care~~
2157 ~~service needs as the general population and elderly population~~
2158 ~~of the state increase. The Legislature finds that items to~~
2159 ~~consider relative to assessing the physician workforce may~~
2160 ~~include physician practice status; specialty mix; geographic~~
2161 ~~distribution; demographic information, including, but not~~
2162 ~~limited to, age, gender, race, and cultural considerations; and~~
2163 ~~needs of current or projected medically underserved areas in the~~
2164 ~~state. Long-term strategic planning is essential as the period~~
2165 ~~from the time a medical student enters medical school to~~
2166 ~~completion of graduate medical education may range from 7 to 10~~
2167 ~~years or longer. The Legislature recognizes that strategies to~~
2168 ~~provide for a well-trained supply of physicians must include~~
2169 ~~ensuring the availability and capacity of quality medical~~
2170 ~~schools and graduate medical education programs in this state,~~
2171 ~~as well as using new or existing state and federal programs~~
2172 ~~providing incentives for physicians to practice in needed~~
2173 ~~specialties and in underserved areas in a manner that addresses~~
2174 ~~projected needs for physician manpower.~~

2175 (3) ~~(4)~~ GENERAL FUNCTIONS.—The department shall maximize the

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2176 use of existing programs under the jurisdiction of the
2177 department and other state agencies and coordinate governmental
2178 and nongovernmental stakeholders and resources in order to
2179 develop a state strategic plan and assess the implementation of
2180 such strategic plan. In developing the state strategic plan, the
2181 department shall:

2182 (f) Develop strategies to maximize federal and state
2183 programs that provide for the use of incentives to attract
2184 physicians to this state or retain physicians within the state.
2185 Such strategies should explore and maximize federal-state
2186 partnerships that provide incentives for physicians to practice
2187 in federally designated shortage areas. Strategies shall also
2188 consider the use of state programs, such as the ~~Florida Health~~
2189 ~~Service Corps established pursuant to s. 381.0302~~ and the
2190 Medical Education Reimbursement and Loan Repayment Program
2191 pursuant to s. 1009.65, which provide for education loan
2192 repayment or loan forgiveness and provide monetary incentives
2193 for physicians to relocate to underserved areas of the state.

2194 Section 47. Section 381.60225, Florida Statutes, is
2195 repealed.

2196 Section 48. Section 381.7352, Florida Statutes, is amended
2197 to read:

2198 381.7352 Legislative findings and intent.—

2199 ~~(1) The Legislature finds that despite state investments in~~
2200 ~~health care programs, certain racial and ethnic populations in~~
2201 ~~Florida continue to have significantly poorer health outcomes~~
2202 ~~when compared to non-Hispanic whites. The Legislature finds that~~
2203 ~~local solutions to health care problems can have a dramatic and~~
2204 ~~positive effect on the health status of these populations. Local~~

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2205 ~~governments and communities are best equipped to identify the~~
2206 ~~health education, health promotion, and disease prevention needs~~
2207 ~~of the racial and ethnic populations in their communities,~~
2208 ~~mobilize the community to address health outcome disparities,~~
2209 ~~enlist and organize local public and private resources, and~~
2210 ~~faith-based organizations to address these disparities, and~~
2211 ~~evaluate the effectiveness of interventions.~~

2212 ~~(2)~~ It is ~~therefore~~ the intent of the Legislature to
2213 provide funds within Florida counties and Front Porch Florida
2214 Communities, in the form of Reducing Racial and Ethnic Health
2215 Disparities: Closing the Gap grants, to stimulate the
2216 development of community-based and neighborhood-based projects
2217 which will improve the health outcomes of racial and ethnic
2218 populations. Further, it is the intent of the Legislature that
2219 these programs foster the development of coordinated,
2220 collaborative, and broad-based participation by public and
2221 private entities, and faith-based organizations. Finally, it is
2222 the intent of the Legislature that the grant program function as
2223 a partnership between state and local governments, faith-based
2224 organizations, and private sector health care providers,
2225 including managed care, voluntary health care resources, social
2226 service providers, and nontraditional partners.

2227 Section 49. Subsection (3) of section 381.7353, Florida
2228 Statutes, is amended to read:

2229 381.7353 Reducing Racial and Ethnic Health Disparities:
2230 Closing the Gap grant program; administration; department
2231 duties.—

2232 ~~(3) Pursuant to s. 20.43(6), the State Surgeon General may~~
2233 ~~appoint an ad hoc advisory committee to: examine areas where~~

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2234 ~~public awareness, public education, research, and coordination~~
2235 ~~regarding racial and ethnic health outcome disparities are~~
2236 ~~lacking; consider access and transportation issues which~~
2237 ~~contribute to health status disparities; and make~~
2238 ~~recommendations for closing gaps in health outcomes and~~
2239 ~~increasing the public's awareness and understanding of health~~
2240 ~~disparities that exist between racial and ethnic populations.~~

2241 Section 50. Subsections (5) and (6) of section 381.7356,
2242 Florida Statutes, are renumbered as subsections (4) and (5),
2243 respectively, and present subsection (4) of that section is
2244 amended to read:

2245 381.7356 Local matching funds; grant awards.—

2246 ~~(4) Dissemination of grant awards shall begin no later than~~
2247 ~~January 1, 2001.~~

2248 Section 51. Subsection (3) of section 381.765, Florida
2249 Statutes, is amended to read:

2250 381.765 Retention of title to and disposal of equipment.—

2251 ~~(3) The department may adopt rules relating to records and~~
2252 ~~recordkeeping for department-owned property referenced in~~
2253 ~~subsections (1) and (2).~~

2254 Section 52. Section 381.77, Florida Statutes, is repealed.

2255 Section 53. Section 381.795, Florida Statutes, is repealed.

2256 Section 54. Subsections (2) through (5) of section 381.853,
2257 Florida Statutes, are renumbered as subsections (1) through (4),
2258 respectively, and present subsection (1) of that section is
2259 amended to read:

2260 381.853 Florida Center for Brain Tumor Research.—

2261 ~~(1) The Legislature finds that each year an estimated~~
2262 ~~190,000 citizens of the United States are diagnosed with~~

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~~cancerous and noncancerous brain tumors and that biomedical research is the key to finding cures for these tumors. The Legislature further finds that, although brain tumor research is being conducted throughout the state, there is a lack of coordinated efforts among researchers and health care providers. Therefore, the Legislature finds that there is a significant need for a coordinated effort to achieve the goal of curing brain tumors. The Legislature further finds that the biomedical technology sector meets the criteria of a high-impact sector, pursuant to s. 288.108(6), having a high importance to the state's economy with a significant potential for growth and contribution to our universities and quality of life.~~

Section 55. Section 381.855, Florida Statutes, is repealed.

Section 56. Section 381.87, Florida Statutes, is repealed.

Section 57. Section 381.895, Florida Statutes, is amended to read:

381.895 Standards for compressed air used for recreational diving.—

(1) A person selling compressed air for recreational sport diving must:

(a) Maintain certification or membership in at least one of the following organizations:

1. Professional Association of Diving Instructors (PADI);

2. National Association of Underwater Instructors (NAUI);

or

3. Scuba Schools International (SSI);

(b) Post in a conspicuous place on the premises a copy of the certification or documentation of membership in the organization; and

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2292 (c) Maintain compliance with the Compressed Gas
2293 Association, Grade "E" Recreational Diving Compressed Air
2294 Standards, provide medical-grade compressed air, or use constant
2295 air-quality-monitoring devices that are calibrated at least
2296 every 90 days. The Department of Health shall establish maximum
2297 allowable levels for contaminants in compressed air used for
2298 recreational sport diving in this state. In developing the
2299 standards, the department must take into consideration the
2300 levels of contaminants allowed by the Grade "E" Recreational
2301 Diving Standards of the Compressed Gas Association.

2302 (2) The Department of Health may adopt rules to revise or
2303 add to the list of organizations authorized in subsection (1),
2304 or to recognize additional standards that are nationally
2305 recognized for ensuring compressed air is safe for recreation
2306 sport diving. The standards prescribed under this section do not
2307 apply to:

2308 (a) Any person providing compressed air for his or her own
2309 use.

2310 (b) Any governmental entity using a governmentally owned
2311 compressed air source for work related to the governmental
2312 entity.

2313 (c) Foreign registered vessels upon which a compressor is
2314 used to provide compressed air for work related to the operation
2315 of the vessel.

2316 (3) A person who does not comply with the requirements in
2317 subsection (1) or the rules adopted pursuant to subsection (2)
2318 commits a misdemeanor of the first degree, punishable as
2319 provided in s. 775.082 and s. 775.083. A person or entity that,
2320 for compensation, provides compressed air for recreational sport

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2321 ~~diving in this state, including compressed air provided as part~~
2322 ~~of a dive package of equipment rental, dive boat rental, or dive~~
2323 ~~boat charter, must ensure that the compressed air is tested~~
2324 ~~quarterly by a laboratory that is accredited by either the~~
2325 ~~American Industrial Hygiene Association or the American~~
2326 ~~Association for Laboratory Accreditation and that the results of~~
2327 ~~such tests are provided quarterly to the Department of Health.~~
2328 ~~In addition, the person or entity must post the certificate~~
2329 ~~issued by the laboratory accredited by the American Industrial~~
2330 ~~Hygiene Association or the American Association for Laboratory~~
2331 ~~Accreditation in a conspicuous location where it can readily be~~
2332 ~~seen by any person purchasing compressed air.~~

2333 ~~(4) The Department of Health shall maintain a record of all~~
2334 ~~quarterly test results provided under this section.~~

2335 ~~(5) It is a misdemeanor of the second degree for any person~~
2336 ~~or entity to provide, for compensation, compressed air for~~
2337 ~~recreational sport diving in this state, including compressed~~
2338 ~~air provided as part of a dive package of equipment rental, dive~~
2339 ~~boat rental, or dive boat charter, without:~~

2340 ~~(a) Having received a valid certificate issued by a~~
2341 ~~laboratory accredited by the American Industrial Hygiene~~
2342 ~~Association or the American Association for Laboratory~~
2343 ~~Accreditation which certifies that the compressed air meets the~~
2344 ~~standards for contaminant levels established by the Department~~
2345 ~~of Health.~~

2346 ~~(b) Posting the certificate issued by a laboratory~~
2347 ~~accredited by the American Industrial Hygiene Association or the~~
2348 ~~American Association for Laboratory Accreditation in a~~
2349 ~~conspicuous location where it can readily be seen by persons~~

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2350 ~~purchasing compressed air.~~

2351 ~~(6) The department shall adopt rules necessary to carry out~~
2352 ~~the provisions of this section, which must include:~~

2353 ~~(a) Maximum allowable levels of contaminants in compressed~~
2354 ~~air used for sport diving.~~

2355 ~~(b) Procedures for the submission of test results to the~~
2356 ~~department.~~

2357 Section 58. Section 381.90, Florida Statutes, is repealed.

2358 Section 59. Subsection (1) of section 381.91, Florida
2359 Statutes, is amended to read:

2360 381.91 Jessie Trice Cancer Prevention Program.—

2361 (1) It is the intent of the Legislature to:

2362 ~~(a) Reduce the rates of illness and death from lung cancer~~
2363 ~~and other cancers and improve the quality of life among low-~~
2364 ~~income African-American and Hispanic populations through~~
2365 ~~increased access to early, effective screening and diagnosis,~~
2366 ~~education, and treatment programs.~~

2367 ~~(b) create a community faith-based disease-prevention~~
2368 ~~program in conjunction with the Health Choice Network and other~~
2369 ~~community health centers to build upon the natural referral and~~
2370 ~~education networks in place within minority communities and to~~
2371 ~~increase access to health service delivery in Florida and-~~

2372 ~~(c) establish a funding source to build upon local private~~
2373 ~~participation to sustain the operation of the program.~~

2374 Section 60. Subsection (5) of section 381.922, Florida
2375 Statutes, is amended to read:

2376 381.922 William G. "Bill" Bankhead, Jr., and David Coley
2377 Cancer Research Program.—

2378 (5) The William G. "Bill" Bankhead, Jr., and David Coley

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2379 Cancer Research Program is funded pursuant to s. 215.5602(12).
2380 Funds appropriated for the William G. "Bill" Bankhead, Jr., and
2381 David Coley Cancer Research Program shall be distributed
2382 pursuant to this section to provide grants to researchers
2383 seeking cures for cancer and cancer-related illnesses, with
2384 emphasis given to the goals enumerated in this section. From the
2385 total funds appropriated, an amount of up to 10 percent may be
2386 used for administrative expenses. ~~From funds appropriated to~~
2387 ~~accomplish the goals of this section, up to \$250,000 shall be~~
2388 ~~available for the operating costs of the Florida Center for~~
2389 ~~Universal Research to Eradicate Disease.~~

2390 Section 61. Effective January 1, 2013, section 392.51,
2391 Florida Statutes, is amended to read:

2392 392.51 Tuberculosis control Findings and intent.-A
2393 statewide system is established to control tuberculosis
2394 infection and mitigate its effects. The system consists ~~The~~
2395 ~~Legislature finds and declares that active tuberculosis is a~~
2396 ~~highly contagious infection that is sometimes fatal and~~
2397 ~~constitutes a serious threat to the public health. The~~
2398 ~~Legislature finds that there is a significant reservoir of~~
2399 ~~tuberculosis infection in this state and that there is a need to~~
2400 ~~develop community programs to identify tuberculosis and to~~
2401 ~~respond quickly with appropriate measures. The Legislature finds~~
2402 ~~that some patients who have active tuberculosis have complex~~
2403 ~~medical, social, and economic problems that make outpatient~~
2404 ~~control of the disease difficult, if not impossible, without~~
2405 ~~posing a threat to the public health. The Legislature finds that~~
2406 ~~in order to protect the citizenry from those few persons who~~
2407 ~~pose a threat to the public, it is necessary to establish a~~

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2408 ~~system~~ of mandatory contact identification, treatment to cure,
2409 hospitalization, ~~and~~ isolation for contagious cases, ~~and to~~
2410 ~~provide a system of~~ voluntary, community-oriented care and
2411 surveillance in all other cases. ~~The Legislature finds that the~~
2412 ~~delivery of~~ Tuberculosis control services shall be provided ~~is~~
2413 ~~best accomplished~~ by the coordinated efforts of the respective
2414 county health departments and contracted or other private health
2415 care providers, ~~the A.G. Holley State Hospital, and the private~~
2416 ~~health care delivery system.~~

2417 Section 62. Effective January 1, 2013, subsection (4) of
2418 section 392.61, Florida Statutes, is amended to read:

2419 392.61 Community tuberculosis control programs.-

2420 ~~(4) The department shall develop, by rule, a methodology~~
2421 ~~for distributing funds appropriated for tuberculosis control~~
2422 ~~programs. Criteria to be considered in this methodology include,~~
2423 ~~but are not limited to, the basic infrastructure available for~~
2424 ~~tuberculosis control, caseload requirements, laboratory support~~
2425 ~~services needed, and epidemiologic factors.~~

2426 Section 63. Effective January 1, 2013, section 392.62,
2427 Florida Statutes, is amended to read:

2428 392.62 Hospitalization and placement programs.-

2429 (1) The department shall contract for operation of ~~operate~~
2430 a program for the treatment ~~hospitalization~~ of persons who have
2431 active tuberculosis in hospitals licensed under chapter 395 and
2432 may provide for appropriate placement of persons who have active
2433 tuberculosis in other health care facilities or residential
2434 facilities. The department shall require the contractor to use
2435 existing licensed community hospitals and other facilities for
2436 the care and treatment to cure of persons who have active

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2437 tuberculosis or a history of noncompliance with prescribed drug
2438 regimens and require inpatient or other residential services.

2439 ~~(2) The department may operate a licensed hospital for the~~
2440 ~~care and treatment to cure of persons who have active~~
2441 ~~tuberculosis. The hospital may have a forensic unit where, under~~
2442 ~~medical protocol, a patient can be held in a secure or~~
2443 ~~protective setting. The department shall also seek to maximize~~
2444 ~~use of existing licensed community hospitals for the care and~~
2445 ~~treatment to cure of persons who have active tuberculosis.~~

2446 (2)(3) The program for control of tuberculosis shall
2447 provide funding for participating facilities and require any
2448 such facilities to meet the following conditions Any licensed
2449 ~~hospital operated by the department, any licensed hospital under~~
2450 ~~contract with the department, and any other health care facility~~
2451 ~~or residential facility operated by or under contract with the~~
2452 ~~department for the care and treatment of patients who have~~
2453 ~~active tuberculosis shall:~~

2454 (a) Admit patients voluntarily and under court order as
2455 appropriate for each particular facility;

2456 (b) Require that each patient pay the actual cost of care
2457 provided whether the patient is admitted voluntarily or by court
2458 order;

2459 (c) Provide for ~~a method of paying for the care of patients~~
2460 in the program regardless of ability to pay ~~who cannot afford to~~
2461 ~~do so;~~

2462 (d) Require a primary clinical diagnosis of active
2463 tuberculosis by a physician licensed under chapter 458 or
2464 chapter 459 before admitting the patient; provided that there
2465 may be more than one primary diagnosis;

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2466 (e) Provide a method of notification to the county health
2467 department and to the patient's family, if any, before
2468 discharging the patient from the hospital or other facility;

2469 (f) Provide for the necessary exchange of medical
2470 information to assure adequate community treatment to cure and
2471 followup of discharged patients, as appropriate; and

2472 (g) Provide for a method of medical care and counseling and
2473 for housing, social service, and employment referrals, if
2474 appropriate, for ~~all~~ patients discharged from the hospital.

2475 (3)~~(4)~~ A hospital may, pursuant to court order, place a
2476 patient in temporary isolation for a period of no more than 72
2477 continuous hours. The department shall obtain a court order in
2478 the same manner as prescribed in s. 392.57. Nothing in this
2479 subsection precludes a hospital from isolating an infectious
2480 patient for medical reasons.

2481 (4)~~(5)~~ Any person committed under s. 392.57 who leaves the
2482 tuberculosis hospital or residential facility without having
2483 been discharged by the designated medical authority, except as
2484 provided in s. 392.63, shall be apprehended by the sheriff of
2485 the county in which the person is found and immediately
2486 delivered to the facility from which he or she left.

2487 Section 64. The Department of Health shall develop and
2488 implement a transition plan for the closure of A.G. Holley State
2489 Hospital. The plan shall include specific steps to end voluntary
2490 admissions; transfer patients to alternate facilities;
2491 communicate with families, providers, other affected parties,
2492 and the general public; enter into any necessary contracts with
2493 providers; coordinate with the Department of Management Services
2494 regarding the disposition of equipment and supplies and the

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2495 closure of the facility; and seek federal approval, if needed,
2496 to continue Medicaid funding throughout the treatment period in
2497 community hospitals and other facilities. The plan shall be
2498 submitted to the Governor, the Speaker of the House of
2499 Representatives, and the President of the Senate by May 31,
2500 2012. The department shall fully implement the plan by January
2501 1, 2013.

2502 Section 65. Subsections (1) and (4) of section 395.1027,
2503 Florida Statutes, are amended to read:

2504 395.1027 Regional poison control centers.—

2505 (1) There shall be created three certified regional poison
2506 control centers, one each in the north, central, and southern
2507 regions of the state. Each regional poison control center shall
2508 be affiliated with and physically located in a certified Level I
2509 trauma center. Each regional poison control center shall be
2510 affiliated with an accredited medical school or college of
2511 pharmacy. The regional poison control centers shall be
2512 coordinated under the aegis of the Division of Children's
2513 Medical Services ~~Prevention and Intervention~~ in the department.

2514 (4) The Legislature hereby finds and declares that it is in
2515 the public interest to shorten the time required for a citizen
2516 to request and receive directly from designated regional poison
2517 control centers telephonic management advice for acute poisoning
2518 emergencies. To facilitate rapid and direct access, telephone
2519 numbers for designated regional poison control centers shall be
2520 given special prominence. The local exchange telecommunications
2521 companies shall print immediately below "911" or other emergency
2522 calling instructions on the inside front cover of the telephone
2523 directory the words "Poison Information Center," the logo of the

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2524 American Association of Poison Control Centers, and the
2525 telephone number of the local, if applicable, or, if not local,
2526 other toll-free telephone number of the Florida Poison
2527 Information Center Network. This information shall be outlined
2528 and be no less than 1 inch in height by 2 inches in width. Only
2529 those facilities satisfying criteria established in the current
2530 "Criteria for Certification of a Regional Poison Center" set by
2531 the American Association of Poison Control Centers, and the
2532 "Standards of the Poison Information Center Program" initiated
2533 by the Division of Children's Medical Services ~~Prevention and~~
2534 ~~Intervention~~ of the Department of Health shall be permitted to
2535 list such facility as a poison information center, poison
2536 control center, or poison center. Those centers under a
2537 developmental phase-in plan shall be given 2 years from the date
2538 of initial 24-hour service implementation to comply with the
2539 aforementioned criteria and, as such, will be permitted to be
2540 listed as a poison information center, poison control center, or
2541 poison center during that allotted time period.

2542 Section 66. Subsection (4) of section 401.243, Florida
2543 Statutes, is amended to read:

2544 401.243 Injury prevention.—The department shall establish
2545 an injury-prevention program with responsibility for the
2546 statewide coordination and expansion of injury-prevention
2547 activities. The duties of the department under the program may
2548 include, but are not limited to, data collection, surveillance,
2549 education, and the promotion of interventions. In addition, the
2550 department may:

2551 ~~(4) Adopt rules governing the implementation of grant~~
2552 ~~programs. The rules may include, but need not be limited to,~~

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2553 ~~criteria regarding the application process, the selection of~~
2554 ~~grantees, the implementation of injury prevention activities,~~
2555 ~~data collection, surveillance, education, and the promotion of~~
2556 ~~interventions.~~

2557 Section 67. Subsection (6) of section 401.245, Florida
2558 Statutes, is renumbered as subsection (5), and present
2559 subsection (5) of that section is amended to read:

2560 401.245 Emergency Medical Services Advisory Council.—

2561 ~~(5) The department shall adopt rules to implement this~~
2562 ~~section, which rules shall serve as formal operating procedures~~
2563 ~~for the Emergency Medical Services Advisory Council.~~

2564 Section 68. Section 401.271, Florida Statutes, is amended
2565 to read:

2566 401.271 Certification of emergency medical technicians and
2567 paramedics who are on active duty with the Armed Forces of the
2568 United States; spouses of members of the Armed Forces.—

2569 ~~(1)~~ Any member of the Armed Forces of the United States on
2570 active duty who, at the time he or she became a member, was in
2571 good standing with the department and was entitled to practice
2572 as an emergency medical technician or paramedic in the state
2573 remains in good standing without registering, paying dues or
2574 fees, or performing any other act, as long as he or she is a
2575 member of the Armed Forces of the United States on active duty
2576 and for a period of 6 months after his or her discharge from
2577 active duty as a member of the Armed Forces of the United
2578 States.

2579 ~~(2) The department may adopt rules exempting the spouse of~~
2580 ~~a member of the Armed Forces of the United States on active duty~~
2581 ~~from certification renewal provisions while the spouse is absent~~

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2582 ~~from the state because of the member's active duty with the~~
2583 ~~Armed Forces.~~

2584 Section 69. Section 402.45, Florida Statutes, is repealed.

2585 Section 70. Subsection (1) of section 400.914, Florida
2586 Statutes, is amended to read:

2587 400.914 Rules establishing standards.—

2588 (1) Pursuant to the intention of the Legislature to provide
2589 safe and sanitary facilities and healthful programs, the agency
2590 in conjunction with the Division of Children's Medical Services
2591 ~~Prevention and Intervention~~ of the Department of Health shall
2592 adopt and publish rules to implement the provisions of this part
2593 and part II of chapter 408, which shall include reasonable and
2594 fair standards. Any conflict between these standards and those
2595 that may be set forth in local, county, or city ordinances shall
2596 be resolved in favor of those having statewide effect. Such
2597 standards shall relate to:

2598 (a) The assurance that PPEC services are family centered
2599 and provide individualized medical, developmental, and family
2600 training services.

2601 (b) The maintenance of PPEC centers, not in conflict with
2602 the provisions of chapter 553 and based upon the size of the
2603 structure and number of children, relating to plumbing, heating,
2604 lighting, ventilation, and other building conditions, including
2605 adequate space, which will ensure the health, safety, comfort,
2606 and protection from fire of the children served.

2607 (c) The appropriate provisions of the most recent edition
2608 of the "Life Safety Code" (NFPA-101) shall be applied.

2609 (d) The number and qualifications of all personnel who have
2610 responsibility for the care of the children served.

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2611 (e) All sanitary conditions within the PPEC center and its
2612 surroundings, including water supply, sewage disposal, food
2613 handling, and general hygiene, and maintenance thereof, which
2614 will ensure the health and comfort of children served.

2615 (f) Programs and basic services promoting and maintaining
2616 the health and development of the children served and meeting
2617 the training needs of the children's legal guardians.

2618 (g) Supportive, contracted, other operational, and
2619 transportation services.

2620 (h) Maintenance of appropriate medical records, data, and
2621 information relative to the children and programs. Such records
2622 shall be maintained in the facility for inspection by the
2623 agency.

2624 Section 71. Paragraph (d) of subsection (11) of section
2625 409.256, Florida Statutes, is amended to read:

2626 409.256 Administrative proceeding to establish paternity or
2627 paternity and child support; order to appear for genetic
2628 testing.—

2629 (11) FINAL ORDER ESTABLISHING PATERNITY OR PATERNITY AND
2630 CHILD SUPPORT; CONSENT ORDER; NOTICE TO OFFICE OF VITAL
2631 STATISTICS.—

2632 (d) Upon rendering a final order of paternity or a final
2633 order of paternity and child support, the department shall
2634 notify the Office ~~Division~~ of Vital Statistics of the Department
2635 of Health that the paternity of the child has been established.

2636 Section 72. Section 458.346, Florida Statutes, is repealed.

2637 Section 73. Subsection (3) of section 462.19, Florida
2638 Statutes, is renumbered as subsection (2), and present
2639 subsection (2) of that section is amended to read:

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2640 462.19 Renewal of license; inactive status.—

2641 ~~(2) The department shall adopt rules establishing a~~
2642 ~~procedure for the biennial renewal of licenses.~~

2643 Section 74. Section 464.0197, Florida Statutes, is
2644 repealed.

2645 Section 75. Subsection (4) of section 464.208, Florida
2646 Statutes, is amended to read:

2647 464.208 Background screening information; rulemaking
2648 authority.—

2649 ~~(4) The board shall adopt rules to administer this part.~~

2650 Section 76. Subsections (1) and (2) of section 633.115,
2651 Florida Statutes, are amended to read:

2652 633.115 Fire and Emergency Incident Information Reporting
2653 Program; duties; fire reports.—

2654 (1) (a) The Fire and Emergency Incident Information
2655 Reporting Program is created within the Division of State Fire
2656 Marshal. The program shall:

2657 1. Establish and maintain an electronic communication
2658 system capable of transmitting fire and emergency incident
2659 information to and between fire protection agencies.

2660 2. Initiate a Fire and Emergency Incident Information
2661 Reporting System that shall be responsible for:

2662 a. Receiving fire and emergency incident information from
2663 fire protection agencies.

2664 b. Preparing and disseminating annual reports to the
2665 Governor, the President of the Senate, the Speaker of the House
2666 of Representatives, fire protection agencies, and, upon request,
2667 the public. Each report shall include, but not be limited to,
2668 the information listed in the National Fire Incident Reporting

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2669 System.

2670 c. Upon request, providing other states and federal
2671 agencies with fire and emergency incident data of this state.

2672 3. Adopt rules to effectively and efficiently implement,
2673 administer, manage, maintain, and use the Fire and Emergency
2674 Incident Information Reporting Program. The rules shall be
2675 considered minimum requirements and shall not preclude a fire
2676 protection agency from implementing its own requirements which
2677 shall not conflict with the rules of the Division of State Fire
2678 Marshal.

2679 4. By rule, establish procedures and a format for each fire
2680 protection agency to voluntarily monitor its records and submit
2681 reports to the program.

2682 5. Establish an electronic information database which is
2683 accessible and searchable by fire protection agencies.

2684 (b) The Division of State Fire Marshal shall consult with
2685 the Division of Forestry of the Department of Agriculture and
2686 Consumer Services and the Bureau of Emergency Preparedness and
2687 Community Support ~~Medical Services~~ of the Department of Health
2688 to coordinate data, ensure accuracy of the data, and limit
2689 duplication of efforts in data collection, analysis, and
2690 reporting.

2691 (2) The Fire and Emergency Incident Information System
2692 Technical Advisory Panel is created within the Division of State
2693 Fire Marshal. The panel shall advise, review, and recommend to
2694 the State Fire Marshal with respect to the requirements of this
2695 section. The membership of the panel shall consist of the
2696 following 15 members:

2697 (a) The current 13 members of the Firefighters Employment,

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2698 Standards, and Training Council as established in s. 633.31.

2699 (b) One member from the Division of Forestry of the
2700 Department of Agriculture and Consumer Services, appointed by
2701 the division director.

2702 (c) One member from the Bureau of Emergency Preparedness
2703 and Community Support ~~Medical Services~~ of the Department of
2704 Health, appointed by the bureau chief.

2705 Section 77. Paragraph (b) of subsection (9) and paragraph
2706 (c) of subsection (10) of section 768.28, Florida Statutes, are
2707 amended to read:

2708 768.28 Waiver of sovereign immunity in tort actions;
2709 recovery limits; limitation on attorney fees; statute of
2710 limitations; exclusions; indemnification; risk management
2711 programs.—

2712 (9)

2713 (b) As used in this subsection, the term:

2714 1. "Employee" includes any volunteer firefighter.

2715 2. "Officer, employee, or agent" includes, but is not
2716 limited to, any health care provider when providing services
2717 pursuant to s. 766.1115; ~~any member of the Florida Health~~
2718 ~~Services Corps, as defined in s. 381.0302, who provides~~
2719 ~~uncompensated care to medically indigent persons referred by the~~
2720 ~~Department of Health;~~ any nonprofit independent college or
2721 university located and chartered in this state which owns or
2722 operates an accredited medical school, and its employees or
2723 agents, when providing patient services pursuant to paragraph
2724 (10) (f); and any public defender or her or his employee or
2725 agent, including, among others, an assistant public defender and
2726 an investigator.

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2727 (10)

2728 (c) For purposes of this section, regional poison control
2729 centers created in accordance with s. 395.1027 and coordinated
2730 and supervised under the Division of Children's Medical Services
2731 ~~Prevention and Intervention~~ of the Department of Health, or any
2732 of their employees or agents, shall be considered agents of the
2733 State of Florida, Department of Health. Any contracts with
2734 poison control centers must provide, to the extent permitted by
2735 law, for the indemnification of the state by the agency for any
2736 liabilities incurred up to the limits set out in this chapter.

2737 Section 78. Subsections (4), (5), (6), (8), (9), (10),
2738 (11), and (12) of section 1009.66, Florida Statutes, are amended
2739 to read:

2740 1009.66 Nursing Student Loan Forgiveness Program.—

2741 (4) From the funds available, the Department of Education
2742 ~~Health~~ may make loan principal repayments of up to \$4,000 a year
2743 for up to 4 years on behalf of selected graduates of an
2744 accredited or approved nursing program. All repayments shall be
2745 contingent upon continued proof of employment in the designated
2746 facilities in this state and shall be made directly to the
2747 holder of the loan. The state shall bear no responsibility for
2748 the collection of any interest charges or other remaining
2749 balance. In the event that the designated facilities are
2750 changed, a nurse shall continue to be eligible for loan
2751 forgiveness as long as he or she continues to work in the
2752 facility for which the original loan repayment was made and
2753 otherwise meets all conditions of eligibility.

2754 (5) There is created the Nursing Student Loan Forgiveness
2755 Trust Fund to be administered by the Department of Education

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2756 ~~Health~~ pursuant to this section and s. 1009.67 and department
2757 rules. The Chief Financial Officer shall authorize expenditures
2758 from the trust fund upon receipt of vouchers approved by the
2759 Department of Education ~~Health~~. All moneys collected from the
2760 private health care industry and other private sources for the
2761 purposes of this section shall be deposited into the Nursing
2762 Student Loan Forgiveness Trust Fund. Any balance in the trust
2763 fund at the end of any fiscal year shall remain therein and
2764 shall be available for carrying out the purposes of this section
2765 and s. 1009.67.

2766 (6) In addition to licensing fees imposed under part I of
2767 chapter 464, there is hereby levied and imposed an additional
2768 fee of \$5, which fee shall be paid upon licensure or renewal of
2769 nursing licensure. Revenues collected from the fee imposed in
2770 this subsection shall be deposited in the Nursing Student Loan
2771 Forgiveness Trust Fund of the Department of Education ~~Health~~ and
2772 will be used solely for the purpose of carrying out the
2773 provisions of this section and s. 1009.67. Up to 50 percent of
2774 the revenues appropriated to implement this subsection may be
2775 used for the nursing scholarship program established pursuant to
2776 s. 1009.67.

2777 ~~(8) The Department of Health may solicit technical~~
2778 ~~assistance relating to the conduct of this program from the~~
2779 ~~Department of Education.~~

2780 (8)~~(9)~~ The Department of Education ~~Health~~ is authorized to
2781 recover from the Nursing Student Loan Forgiveness Trust Fund its
2782 costs for administering the Nursing Student Loan Forgiveness
2783 Program.

2784 (9)~~(10)~~ The Department of Education ~~Health~~ may adopt rules

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2785 necessary to administer this program.

2786 (10)~~(11)~~ This section shall be implemented only as
2787 specifically funded.

2788 (11)~~(12)~~ Students receiving a nursing scholarship pursuant
2789 to s. 1009.67 are not eligible to participate in the Nursing
2790 Student Loan Forgiveness Program.

2791 Section 79. Section 1009.67, Florida Statutes, is amended
2792 to read:

2793 1009.67 Nursing scholarship program.—

2794 (1) There is established within the Department of Education
2795 ~~Health~~ a scholarship program for the purpose of attracting
2796 capable and promising students to the nursing profession.

2797 (2) A scholarship applicant shall be enrolled in an
2798 approved nursing program leading to the award of an associate
2799 degree, a baccalaureate degree, or a graduate degree in nursing.

2800 (3) A scholarship may be awarded for no more than 2 years,
2801 in an amount not to exceed \$8,000 per year. However, registered
2802 nurses pursuing a graduate degree for a faculty position or to
2803 practice as an advanced registered nurse practitioner may
2804 receive up to \$12,000 per year. These amounts shall be adjusted
2805 by the amount of increase or decrease in the consumer price
2806 index for urban consumers published by the United States
2807 Department of Commerce.

2808 (4) Credit for repayment of a scholarship shall be as
2809 follows:

2810 (a) For each full year of scholarship assistance, the
2811 recipient agrees to work for 12 months in a faculty position in
2812 a college of nursing or Florida College System institution
2813 nursing program in this state or at a health care facility in a

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2814 medically underserved area as designated ~~approved~~ by the
2815 Department of Health. Scholarship recipients who attend school
2816 on a part-time basis shall have their employment service
2817 obligation prorated in proportion to the amount of scholarship
2818 payments received.

2819 (b) Eligible health care facilities include nursing homes
2820 and hospitals in this state, state-operated medical or health
2821 care facilities, public schools, county health departments,
2822 federally sponsored community health centers, colleges of
2823 nursing in universities in this state, and Florida College
2824 System institution nursing programs in this state, family
2825 practice teaching hospitals as defined in s. 395.805, or
2826 specialty children's hospitals as described in s. 409.9119. The
2827 recipient shall be encouraged to complete the service obligation
2828 at a single employment site. If continuous employment at the
2829 same site is not feasible, the recipient may apply to the
2830 department for a transfer to another approved health care
2831 facility.

2832 (c) Any recipient who does not complete an appropriate
2833 program of studies, who does not become licensed, who does not
2834 accept employment as a nurse at an approved health care
2835 facility, or who does not complete 12 months of approved
2836 employment for each year of scholarship assistance received
2837 shall repay to the Department of Education ~~Health~~, on a schedule
2838 to be determined by the department, the entire amount of the
2839 scholarship plus 18 percent interest accruing from the date of
2840 the scholarship payment. Moneys repaid shall be deposited into
2841 the Nursing Student Loan Forgiveness Trust Fund established in
2842 s. 1009.66. However, the department may provide additional time

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2843 for repayment if the department finds that circumstances beyond
2844 the control of the recipient caused or contributed to the
2845 default.

2846 (5) Scholarship payments shall be transmitted to the
2847 recipient upon receipt of documentation that the recipient is
2848 enrolled in an approved nursing program. The Department of
2849 Education ~~Health~~ shall develop a formula to prorate payments to
2850 scholarship recipients so as not to exceed the maximum amount
2851 per academic year.

2852 (6) The Department of Education ~~Health~~ shall adopt rules,
2853 including rules to address extraordinary circumstances that may
2854 cause a recipient to default on either the school enrollment or
2855 employment contractual agreement, to implement this section.

2856 (7) The Department of Education ~~Health~~ may recover from the
2857 Nursing Student Loan Forgiveness Trust Fund its costs for
2858 administering the nursing scholarship program.

2859 Section 80. Department of Health; type two transfer.-

2860 (1) All powers, duties, functions, records, offices,
2861 personnel, associated administrative support positions,
2862 property, pending issues, existing contracts, administrative
2863 authority, administrative rules, and unexpended balances of
2864 appropriations, allocations, and other funds relating to the
2865 Nursing Student Loan Forgiveness Program and the nursing
2866 scholarship program in the Department of Health are transferred
2867 by a type two transfer, as defined in s. 20.06(2), Florida
2868 Statutes, to the Department of Education.

2869 (2) The Nursing Student Loan Forgiveness Trust Fund is
2870 transferred from the Department of Health to the Department of
2871 Education.

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2872 (3) Any binding contract or interagency agreement related
2873 to the Nursing Student Loan Forgiveness Program existing before
2874 July 1, 2012, between the Department of Health, or an entity or
2875 agent of the agency, and any other agency, entity, or person
2876 shall continue as a binding contract or agreement for the
2877 remainder of the term of such contract or agreement on the
2878 successor department, agency, or entity responsible for the
2879 program, activity, or functions relative to the contract or
2880 agreement.

2881 (4) Notwithstanding s. 216.292, Florida Statutes, and
2882 pursuant to s. 216.351, Florida Statutes, upon approval by the
2883 Legislative Budget Commission, the Executive Office of the
2884 Governor may transfer funds and positions between agencies to
2885 implement this act.

2886 (5) The transfer of any program, activity, duty, or
2887 function under this act includes the transfer of any records and
2888 unexpended balances of appropriations, allocations, or other
2889 funds related to such program, activity, duty, or function.
2890 Unless otherwise provided, the successor organization to any
2891 program, activity, duty, or function transferred under this act
2892 shall become the custodian of any property of the organization
2893 that was responsible for the program, activity, duty, or
2894 function immediately before the transfer.

2895 Section 81. The Division of Medical Quality Assurance shall
2896 develop a plan to improve the efficiency of its functions.
2897 Specifically, the plan shall delineate methods to: reduce the
2898 average length of time for a qualified applicant to receive
2899 initial and renewal licensure, certification, or registration,
2900 by one-third; improve the agenda process for board meetings to

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2901 increase transparency, timeliness, and usefulness for board
2902 decisionmaking; and improve the cost-effectiveness and
2903 efficiency of the joint functions of the division and the
2904 regulatory boards. In developing the plan, the division shall
2905 identify and analyze best practices found within the division
2906 and other state agencies that have similar functions, options
2907 for information technology improvements, options for contracting
2908 with outside entities, and any other option the division deems
2909 useful. The division shall consult with and solicit
2910 recommendations from the regulatory boards in developing the
2911 plan. The division shall submit the plan to the Governor, the
2912 Speaker of the House of Representatives, and the President of
2913 the Senate by November 1, 2012. All executive branch agencies
2914 are instructed, and all other state agencies are requested, to
2915 assist the division in accomplishing its purposes under this
2916 section.

2917 Section 82. Subsection (1), paragraph (c) of subsection
2918 (3), and subsection (9) of section 381.0041, Florida Statutes,
2919 are amended to read:

2920 381.0041 Donation and transfer of human tissue; testing
2921 requirements.—

2922 (1) Every donation of blood, plasma, organs, skin, or other
2923 human tissue for transfusion or transplantation to another shall
2924 be tested prior to transfusion or other use for human
2925 immunodeficiency virus infection and other communicable diseases
2926 specified by rule of the Department of Health. Tests for the
2927 human immunodeficiency virus infection shall be performed only
2928 after obtaining written, informed consent from the potential
2929 donor or the donor's legal representative. Such consent may be

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2930 given by a minor pursuant to s. 743.06. Obtaining consent shall
2931 include a fair explanation of the procedures to be followed and
2932 the meaning and use of the test results. Such explanation shall
2933 include a description of the confidential nature of the test as
2934 described in s. 381.004(2) ~~381.004(3)~~. If consent for testing is
2935 not given, then the person shall not be accepted as a donor
2936 except as otherwise provided in subsection (3).

2937 (3) No person shall collect any blood, organ, skin, or
2938 other human tissue from one human being and hold it for, or
2939 actually perform, any implantation, transplantation,
2940 transfusion, grafting, or any other method of transfer to
2941 another human being without first testing such tissue for the
2942 human immunodeficiency virus and other communicable diseases
2943 specified by rule of the Department of Health, or without
2944 performing another process approved by rule of the Department of
2945 Health capable of killing the causative agent of those diseases
2946 specified by rule. Such testing shall not be required:

2947 (c) When there is insufficient time to obtain the results
2948 of a confirmatory test for any tissue or organ which is to be
2949 transplanted, notwithstanding the provisions of s. 381.004(2)(d)
2950 ~~381.004(3)(d)~~. In such circumstances, the results of preliminary
2951 screening tests may be released to the potential recipient's
2952 treating physician for use in determining organ or tissue
2953 suitability.

2954 (9) All blood banks shall be governed by the
2955 confidentiality provisions of s. 381.004(2) ~~381.004(3)~~.

2956 Section 83. Paragraph (b) of subsection (3) of section
2957 384.25, Florida Statutes, is amended to read:

2958 384.25 Reporting required.—

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2959 (3) To ensure the confidentiality of persons infected with
2960 the human immunodeficiency virus (HIV), reporting of HIV
2961 infection and AIDS must be conducted using a system developed by
2962 the Centers for Disease Control and Prevention of the United
2963 States Public Health Service or an equivalent system.

2964 (b) The reporting may not affect or relate to anonymous HIV
2965 testing programs conducted pursuant to s. 381.004(3) ~~381.004(4)~~.

2966 Section 84. Subsection (5) of section 392.56, Florida
2967 Statutes, is amended to read:

2968 392.56 Hospitalization, placement, and residential
2969 isolation.—

2970 (5) If the department petitions the circuit court to order
2971 that a person who has active tuberculosis be hospitalized in a
2972 facility operated under s. 392.62~~(2)~~, the department shall
2973 notify the facility of the potential court order.

2974 Section 85. Subsection (2) of section 456.032, Florida
2975 Statutes, is amended to read:

2976 456.032 Hepatitis B or HIV carriers.—

2977 (2) Any person licensed by the department and any other
2978 person employed by a health care facility who contracts a blood-
2979 borne infection shall have a rebuttable presumption that the
2980 illness was contracted in the course and scope of his or her
2981 employment, provided that the person, as soon as practicable,
2982 reports to the person's supervisor or the facility's risk
2983 manager any significant exposure, as that term is defined in s.
2984 381.004(1)(c) ~~381.004(2)(e)~~, to blood or body fluids. The
2985 employer may test the blood or body fluid to determine if it is
2986 infected with the same disease contracted by the employee. The
2987 employer may rebut the presumption by the preponderance of the

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2988 evidence. Except as expressly provided in this subsection, there
2989 shall be no presumption that a blood-borne infection is a job-
2990 related injury or illness.

2991
2992 Section 86. Subsection (1) of section 775.0877, Florida
2993 Statutes, is amended to read:

2994 775.0877 Criminal transmission of HIV; procedures;
2995 penalties.—

2996 (1) In any case in which a person has been convicted of or
2997 has pled nolo contendere or guilty to, regardless of whether
2998 adjudication is withheld, any of the following offenses, or the
2999 attempt thereof, which offense or attempted offense involves the
3000 transmission of body fluids from one person to another:

3001 (a) Section 794.011, relating to sexual battery;

3002 (b) Section 826.04, relating to incest;

3003 (c) Section 800.04, relating to lewd or lascivious offenses
3004 committed upon or in the presence of persons less than 16 years
3005 of age;

3006 (d) Sections 784.011, 784.07(2)(a), and 784.08(2)(d),
3007 relating to assault;

3008 (e) Sections 784.021, 784.07(2)(c), and 784.08(2)(b),
3009 relating to aggravated assault;

3010 (f) Sections 784.03, 784.07(2)(b), and 784.08(2)(c),
3011 relating to battery;

3012 (g) Sections 784.045, 784.07(2)(d), and 784.08(2)(a),
3013 relating to aggravated battery;

3014 (h) Section 827.03(1), relating to child abuse;

3015 (i) Section 827.03(2), relating to aggravated child abuse;

3016 (j) Section 825.102(1), relating to abuse of an elderly

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3017 person or disabled adult;

3018 (k) Section 825.102(2), relating to aggravated abuse of an
3019 elderly person or disabled adult;

3020 (l) Section 827.071, relating to sexual performance by
3021 person less than 18 years of age;

3022 (m) Sections 796.03, 796.07, and 796.08, relating to
3023 prostitution; or

3024 (n) Section 381.0041(11)(b), relating to donation of blood,
3025 plasma, organs, skin, or other human tissue,

3026

3027 the court shall order the offender to undergo HIV testing, to be
3028 performed under the direction of the Department of Health in
3029 accordance with s. 381.004, unless the offender has undergone
3030 HIV testing voluntarily or pursuant to procedures established in
3031 s. 381.004(2)(h)6. ~~381.004(3)(h)6.~~ or s. 951.27, or any other
3032 applicable law or rule providing for HIV testing of criminal
3033 offenders or inmates, subsequent to her or his arrest for an
3034 offense enumerated in paragraphs (a)-(n) for which she or he was
3035 convicted or to which she or he pled nolo contendere or guilty.
3036 The results of an HIV test performed on an offender pursuant to
3037 this subsection are not admissible in any criminal proceeding
3038 arising out of the alleged offense.

3039 Section 87. Except as otherwise expressly provided in this
3040 act, this act shall take effect upon becoming a law.