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LEGISLATIVE ACTION

Senate	.	House
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Floor: 1/AD/2R	.	Floor: SEN1/C
03/09/2012 12:28 PM	.	03/09/2012 04:35 PM
	.	

Senator Garcia moved the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

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

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

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



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

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

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

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

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

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

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



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

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

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

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

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

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

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

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



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

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

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

95 (a) Division of Administration.

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

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

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



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



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



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159 ~~Intervention.~~

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

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

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

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

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

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

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

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

178 Section 3. Section 154.05, Florida Statutes, is amended to
179 read:

180 154.05 Cooperation and agreements between counties.—
181 Counties may establish cooperative arrangements for shared
182 county health departments in the following ways:

183 (1) Two or more counties may combine in the establishment
184 and maintenance of a single full-time county health department
185 for the counties which combine for that purpose; and, pursuant
186 to such combination or agreement, such counties may cooperate
187 with one another and the Department of Health and contribute to



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188 a joint fund in carrying out the purpose and intent of this
189 chapter. The duration and nature of such agreement shall be
190 evidenced by resolutions of the boards of county commissioners
191 of such counties and shall be submitted to and approved by the
192 department. In the event of any such agreement, a full-time
193 county health department shall be established and maintained by
194 the department in and for the benefit of the counties which have
195 entered into such an agreement; and, in such case, the funds
196 raised by taxation pursuant to this chapter by each such county
197 shall be paid to the Chief Financial Officer for the account of
198 the department and shall be known as the full-time county health
199 department trust fund of the counties so cooperating. Such trust
200 funds shall be used and expended by the department for the
201 purposes specified in this chapter in each county which has
202 entered into such agreement. In case such an agreement is
203 entered into between two or more counties, the work contemplated
204 by this chapter shall be done by a single full-time county
205 health department in the counties so cooperating; and the
206 nature, extent, and location of such work shall be under the
207 control and direction of the department.

208 (2) The operations of two or more county health departments
209 may be combined when the parties agree to the specific roles and
210 responsibilities of each county and county health department.
211 Such an agreement shall specify the roles and responsibilities
212 of each county and county health department, including the
213 method of governance and executive direction; the manner by
214 which each county's public health needs will be addressed; an
215 inventory of necessary facilities, equipment, and personnel; and
216 any other needed infrastructure.



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

219 212.08 Sales, rental, use, consumption, distribution, and
220 storage tax; specified exemptions.—The sale at retail, the
221 rental, the use, the consumption, the distribution, and the
222 storage to be used or consumed in this state of the following
223 are hereby specifically exempt from the tax imposed by this
224 chapter.

225 (2) EXEMPTIONS; MEDICAL.—

226 (a) There shall be exempt from the tax imposed by this
227 chapter any medical products and supplies or medicine dispensed
228 according to an individual prescription or prescriptions written
229 by a prescriber authorized by law to prescribe medicinal drugs;
230 hypodermic needles; hypodermic syringes; chemical compounds and
231 test kits used for the diagnosis or treatment of human disease,
232 illness, or injury; and common household remedies recommended
233 and generally sold for internal or external use in the cure,
234 mitigation, treatment, or prevention of illness or disease in
235 human beings, but not including cosmetics or toilet articles,
236 notwithstanding the presence of medicinal ingredients therein,
237 according to a list prescribed and approved by the Department of
238 Business and Professional Regulation ~~Health~~, which list shall be
239 certified to the Department of Revenue from time to time and
240 included in the rules promulgated by the Department of Revenue.
241 There shall also be exempt from the tax imposed by this chapter
242 artificial eyes and limbs; orthopedic shoes; prescription
243 eyeglasses and items incidental thereto or which become a part
244 thereof; dentures; hearing aids; crutches; prosthetic and
245 orthopedic appliances; and funerals. In addition, any items



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246 intended for one-time use which transfer essential optical
247 characteristics to contact lenses shall be exempt from the tax
248 imposed by this chapter; however, this exemption shall apply
249 only after \$100,000 of the tax imposed by this chapter on such
250 items has been paid in any calendar year by a taxpayer who
251 claims the exemption in such year. Funeral directors shall pay
252 tax on all tangible personal property used by them in their
253 business.

254 (b) For the purposes of this subsection:

255 1. "Prosthetic and orthopedic appliances" means any
256 apparatus, instrument, device, or equipment used to replace or
257 substitute for any missing part of the body, to alleviate the
258 malfunction of any part of the body, or to assist any disabled
259 person in leading a normal life by facilitating such person's
260 mobility. Such apparatus, instrument, device, or equipment shall
261 be exempted according to an individual prescription or
262 prescriptions written by a physician licensed under chapter 458,
263 chapter 459, chapter 460, chapter 461, or chapter 466, or
264 according to a list prescribed and approved by the Department of
265 Health, which list shall be certified to the Department of
266 Revenue from time to time and included in the rules promulgated
267 by the Department of Revenue.

268 2. "Cosmetics" means articles intended to be rubbed,
269 poured, sprinkled, or sprayed on, introduced into, or otherwise
270 applied to the human body for cleansing, beautifying, promoting
271 attractiveness, or altering the appearance and also means
272 articles intended for use as a compound of any such articles,
273 including, but not limited to, cold creams, suntan lotions,
274 makeup, and body lotions.



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

281 4. "Prescription" includes any order for drugs or medicinal
282 supplies written or transmitted by any means of communication by
283 a duly licensed practitioner authorized by the laws of the state
284 to prescribe such drugs or medicinal supplies and intended to be
285 dispensed by a pharmacist. The term also includes an orally
286 transmitted order by the lawfully designated agent of such
287 practitioner. The term also includes an order written or
288 transmitted by a practitioner licensed to practice in a
289 jurisdiction other than this state, but only if the pharmacist
290 called upon to dispense such order determines, in the exercise
291 of his or her professional judgment, that the order is valid and
292 necessary for the treatment of a chronic or recurrent illness.
293 The term also includes a pharmacist's order for a product
294 selected from the formulary created pursuant to s. 465.186. A
295 prescription may be retained in written form, or the pharmacist
296 may cause it to be recorded in a data processing system,
297 provided that such order can be produced in printed form upon
298 lawful request.

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

302 (d) Lithotripters are exempt.

303 (e) Human organs are exempt.



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304 (f) Sales of drugs to or by physicians, dentists,
305 veterinarians, and hospitals in connection with medical
306 treatment are exempt.

307 (g) Medical products and supplies used in the cure,
308 mitigation, alleviation, prevention, or treatment of injury,
309 disease, or incapacity which are temporarily or permanently
310 incorporated into a patient or client by a practitioner of the
311 healing arts licensed in the state are exempt.

312 (h) The purchase by a veterinarian of commonly recognized
313 substances possessing curative or remedial properties which are
314 ordered and dispensed as treatment for a diagnosed health
315 disorder by or on the prescription of a duly licensed
316 veterinarian, and which are applied to or consumed by animals
317 for alleviation of pain or the cure or prevention of sickness,
318 disease, or suffering are exempt. Also exempt are the purchase
319 by a veterinarian of antiseptics, absorbent cotton, gauze for
320 bandages, lotions, vitamins, and worm remedies.

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

325 (j) Parts, special attachments, special lettering, and
326 other like items that are added to or attached to tangible
327 personal property so that a handicapped person can use them are
328 exempt when such items are purchased by a person pursuant to an
329 individual prescription.

330 (k) This subsection shall be strictly construed and
331 enforced.

332 Section 5. Subsections (10) and (12) of section 215.5602,



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333 Florida Statutes, are amended to read:

334 215.5602 James and Esther King Biomedical Research
335 Program.—

336 (10) The council shall submit an annual progress report on
337 the state of biomedical research in this state to ~~the Florida~~
338 ~~Center for Universal Research to Eradicate Disease~~ and to the
339 Governor, the State Surgeon General, the President of the
340 Senate, and the Speaker of the House of Representatives by
341 February 1. The report must include:

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

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

345 (c) A list of publications in peer reviewed journals
346 involving research supported by grants or fellowships awarded
347 under the program.

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

350 (e) New grants for biomedical research which were funded
351 based on research supported by grants or fellowships awarded
352 under the program.

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

356 (12) ~~From funds appropriated to accomplish the goals of~~
357 ~~this section, up to \$250,000 shall be available for the~~
358 ~~operating costs of the Florida Center for Universal Research to~~
359 ~~Eradicate Disease.~~ Beginning in the 2011-2012 fiscal year and
360 thereafter, \$25 million from the revenue deposited into the
361 Health Care Trust Fund pursuant to ss. 210.011(9) and 210.276(7)



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362 shall be reserved for research of tobacco-related or cancer-
363 related illnesses. Of the revenue deposited in the Health Care
364 Trust Fund pursuant to this section, \$25 million shall be
365 transferred to the Biomedical Research Trust Fund within the
366 Department of Health. Subject to annual appropriations in the
367 General Appropriations Act, \$5 million shall be appropriated to
368 the James and Esther King Biomedical Research Program, \$5
369 million shall be appropriated to the William G. "Bill" Bankhead,
370 Jr., and David Coley Cancer Research Program created under s.
371 381.922, \$5 million shall be appropriated to the H. Lee Moffitt
372 Cancer Center and Research Institute established under s.
373 1004.43, \$5 million shall be appropriated to the Sylvester
374 Comprehensive Cancer Center of the University of Miami, and \$5
375 million shall be appropriated to the ~~University of Florida~~
376 Shands Cancer Hospital Center.

377 Section 6. Section 381.001, Florida Statutes, is amended to
378 read:

379 381.001 ~~Legislative intent~~; Public health system.-

380 ~~(1) It is the intent of the Legislature that~~ The Department
381 of Health is ~~be~~ responsible for the state's public health system
382 which shall be designed to promote, protect, and improve the
383 health of all people in the state. ~~The mission of the state's~~
384 ~~public health system is to foster the conditions in which people~~
385 ~~can be healthy, by assessing state and community health needs~~
386 ~~and priorities through data collection, epidemiologic studies,~~
387 ~~and community participation; by developing comprehensive public~~
388 ~~health policies and objectives aimed at improving the health~~
389 ~~status of people in the state; and by ensuring essential health~~
390 ~~care and an environment which enhances the health of the~~



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391 ~~individual and the community. The department shall provide~~
392 ~~leadership for~~ Legislature recognizes that the state's public
393 ~~health system must be founded on an active partnership working~~
394 ~~toward shared public health goals and involving between federal,~~
395 state, and local governments and the private sector ~~government~~
396 ~~and between the public and private sectors, and, therefore,~~
397 ~~assessment, policy development, and service provision must be~~
398 ~~shared by all of these entities to achieve its mission.~~

399 ~~(2) It is the intent of the Legislature that the~~
400 ~~department, in carrying out the mission of public health, focus~~
401 ~~attention on identifying, assessing, and controlling the~~
402 ~~presence and spread of communicable diseases; on monitoring and~~
403 ~~regulating factors in the environment which may impair the~~
404 ~~public's health, with particular attention to preventing~~
405 ~~contamination of drinking water, the air people breathe, and the~~
406 ~~food people consume; and ensuring availability of and access to~~
407 ~~preventive and primary health care, including, but not limited~~
408 ~~to, acute and episodic care, prenatal and postpartum care, child~~
409 ~~health, family planning, school health, chronic disease~~
410 ~~prevention, child and adult immunization, dental health,~~
411 ~~nutrition, and health education and promotion services.~~

412 ~~(3) It is, furthermore, the intent of the Legislature that~~
413 ~~the public health system include comprehensive planning, data~~
414 ~~collection, technical support, and health resource development~~
415 ~~functions. These functions include, but are not limited to,~~
416 ~~state laboratory and pharmacy services, the state vital~~
417 ~~statistics system, the Florida Center for Health Information and~~
418 ~~Policy Analysis, emergency medical services coordination and~~
419 ~~support, and recruitment, retention, and development of~~



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420 ~~preventive and primary health care professionals and managers.~~

421 ~~(4) It is, furthermore,~~ the intent of the Legislature that
422 the department provide public health services through the 67
423 county health departments in partnership with county
424 governments, as specified in part I of chapter 154, and in so
425 doing make every attempt possible to solicit the support and
426 involvement of private and not-for-profit health care agencies
427 in fulfilling the public health mission.

428 Section 7. Section 381.0011, Florida Statutes, is amended
429 to read:

430 381.0011 Duties and powers of the Department of Health.—It
431 is the duty of the Department of Health to:

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

437 ~~(2) Formulate general policies affecting the public health~~
438 ~~of the state.~~

439 (2)~~(3)~~ Administer and enforce laws and rules relating to
440 sanitation, control of communicable diseases, illnesses and
441 hazards to health among humans and from animals to humans, and
442 the general health of the people of the state.

443 (3)~~(4)~~ Coordinate with ~~Cooperate with and accept assistance~~
444 ~~from~~ federal, state, and local officials for the prevention and
445 suppression of communicable and other diseases, illnesses,
446 injuries, and hazards to human health.

447 ~~(5) Declare, enforce, modify, and abolish quarantine of~~
448 ~~persons, animals, and premises as the circumstances indicate for~~



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449 ~~controlling communicable diseases or providing protection from~~
450 ~~unsafe conditions that pose a threat to public health, except as~~
451 ~~provided in ss. 384.28 and 392.545-392.60.~~

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

455 ~~1. The closure of premises.~~

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

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

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

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

464 ~~6. The disinfection of quarantined animals, persons, or~~
465 ~~premises.~~

466 ~~7. Methods of quarantine.~~

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

470 ~~(4)(6)~~ Provide for a thorough investigation and study of
471 the incidence, causes, modes of propagation and transmission,
472 and means of prevention, control, and cure of diseases,
473 illnesses, and hazards to human health.

474 ~~(5)(7)~~ Provide for the dissemination of information to the
475 public relative to the prevention, control, and cure of
476 diseases, illnesses, and hazards to human health. ~~The department~~
477 ~~shall conduct a workshop before issuing any health alert or~~



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478 ~~advisory relating to food-borne illness or communicable disease~~
479 ~~in public lodging or food service establishments in order to~~
480 ~~inform persons, trade associations, and businesses of the risk~~
481 ~~to public health and to seek the input of affected persons,~~
482 ~~trade associations, and businesses on the best methods of~~
483 ~~informing and protecting the public, except in an emergency, in~~
484 ~~which case the workshop must be held within 14 days after the~~
485 ~~issuance of the emergency alert or advisory.~~

486 ~~(6)(8) Act as registrar of vital statistics.~~

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

489 ~~(10) Cooperate with other departments, local officials, and~~
490 ~~private boards and organizations for the improvement and~~
491 ~~preservation of the public health.~~

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

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

498 ~~(7)(13) Manage and coordinate emergency preparedness and~~
499 ~~disaster response functions to: investigate and control the~~
500 ~~spread of disease; coordinate the availability and staffing of~~
501 ~~special needs shelters; support patient evacuation; ensure the~~
502 ~~safety of food and drugs; provide critical incident stress~~
503 ~~debriefing; and provide surveillance and control of~~
504 ~~radiological, chemical, biological, and other environmental~~
505 ~~hazards.~~

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



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

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

509 Section 10. Section 381.0015, Florida Statutes, is
510 repealed.

511 Section 11. Section 381.0016, Florida Statutes, is amended
512 to read:

513 381.0016 County and municipal regulations and ordinances.—
514 Any county or municipality may enact, in a manner prescribed by
515 law, health regulations and ordinances not inconsistent with
516 state public health laws and rules adopted by the department.

517 Section 12. Section 381.0017, Florida Statutes, is
518 repealed.

519 Section 13. Section 381.0025, Florida Statutes, is
520 repealed.

521 Section 14. Paragraph (d) of subsection (1) of section
522 381.003, Florida Statutes, is amended to read:

523 381.003 Communicable disease and AIDS prevention and
524 control.—

525 (1) The department shall conduct a communicable disease
526 prevention and control program as part of fulfilling its public
527 health mission. A communicable disease is any disease caused by
528 transmission of a specific infectious agent, or its toxic
529 products, from an infected person, an infected animal, or the
530 environment to a susceptible host, either directly or
531 indirectly. The communicable disease program must include, but
532 need not be limited to:

533 (d) Programs for the prevention, control, and reporting of
534 communicable diseases of public health significance as provided
535 for in this chapter.



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536 Section 15. Section 381.0031, Florida Statutes, is amended
537 to read:

538 381.0031 Epidemiological research; report of diseases of
539 public health significance to department.-

540 (1) The department may conduct studies concerning the
541 epidemiology of diseases of public health significance affecting
542 people in Florida.

543 (2) Any practitioner licensed in this state to practice
544 medicine, osteopathic medicine, chiropractic medicine,
545 naturopathy, or veterinary medicine; any hospital licensed under
546 part I of chapter 395; or any laboratory licensed under chapter
547 483 that diagnoses or suspects the existence of a disease of
548 public health significance shall immediately report the fact to
549 the Department of Health.

550 (3)~~(2)~~ Periodically the department shall issue a list of
551 infectious or noninfectious diseases determined by it to be a
552 threat to public health and therefore of significance to public
553 health and shall furnish a copy of the list to the practitioners
554 listed in subsection (2) ~~(1)~~. The list shall be based on the
555 diseases recommended to be nationally notifiable by the Council
556 of State and Territorial Epidemiologists and the Centers for
557 Disease Control and Prevention. The department may expand upon
558 the list if a disease emerges for which regular, frequent, and
559 timely information regarding individual cases is considered
560 necessary for the prevention and control of a disease specific
561 to Florida.

562 (4)~~(3)~~ Reports required by this section must be in
563 accordance with methods specified by rule of the department.

564 (5)~~(4)~~ Information submitted in reports required by this



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565 section is confidential, exempt from the provisions of s.
566 119.07(1), and is to be made public only when necessary to
567 public health. A report so submitted is not a violation of the
568 confidential relationship between practitioner and patient.

569 ~~(6)~~⁽⁵⁾ The department may obtain and inspect copies of
570 medical records, records of laboratory tests, and other medical-
571 related information for reported cases of diseases of public
572 health significance described in subsection (2). The department
573 shall examine the records of a person who has a disease of
574 public health significance only for purposes of preventing and
575 eliminating outbreaks of disease and making epidemiological
576 investigations of reported cases of diseases of public health
577 significance, notwithstanding any other law to the contrary.
578 Health care practitioners, licensed health care facilities, and
579 laboratories shall allow the department to inspect and obtain
580 copies of such medical records and medical-related information,
581 notwithstanding any other law to the contrary. Release of
582 medical records and medical-related information to the
583 department by a health care practitioner, licensed health care
584 facility, or laboratory, or by an authorized employee or agent
585 thereof, does not constitute a violation of the confidentiality
586 of patient records. A health care practitioner, health care
587 facility, or laboratory, or any employee or agent thereof, may
588 not be held liable in any manner for damages and is not subject
589 to criminal penalties for providing patient records to the
590 department as authorized by this section.

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



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

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

598 Section 16. Subsections (4), (5), and (6) are added to
599 section 381.00315, Florida Statutes, to read:

600 381.00315 Public health advisories; public health
601 emergencies; quarantines.—The State Health Officer is
602 responsible for declaring public health emergencies and
603 quarantines and issuing public health advisories.

604 (4) The department has the duty and the authority to
605 declare, enforce, modify, and abolish quarantines of persons,
606 animals, and premises as the circumstances indicate for
607 controlling communicable diseases or providing protection from
608 unsafe conditions that pose a threat to public health, except as
609 provided in ss. 384.28 and 392.545-392.60.

610 (5) The department shall adopt rules to specify the
611 conditions and procedures for imposing and releasing a
612 quarantine. The rules must include provisions related to:

613 (a) The closure of premises.

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

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

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

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

622 (f) The disinfection of quarantined animals, persons, or



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623 premises.

624 (g) Methods of quarantine.

625 (6) The rules adopted under this section and actions taken
626 by the department pursuant to a declared public health emergency
627 or quarantine shall supersede all rules enacted by other state
628 departments, boards or commissions, and ordinances and
629 regulations enacted by political subdivisions of the state. Any
630 person who violates any rule adopted under this section, any
631 quarantine, or any requirement adopted by the department
632 pursuant to a declared public health emergency, commits a
633 misdemeanor of the second degree, punishable as provided in s.
634 775.082 or s. 775.083.

635 Section 17. Section 381.0032, Florida Statutes, is
636 repealed.

637 Section 18. Section 381.00325, Florida Statutes, is
638 repealed.

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

641 381.0034 Requirement for instruction on HIV and AIDS.—

642 (1) ~~As of July 1, 1991,~~ The Department of Health shall
643 require each person licensed or certified under chapter 401,
644 chapter 467, part IV of chapter 468, or chapter 483, as a
645 condition of biennial relicensure, to complete an educational
646 course approved by the department on the modes of transmission,
647 infection control procedures, clinical management, and
648 prevention of human immunodeficiency virus and acquired immune
649 deficiency syndrome. Such course shall include information on
650 current Florida law on acquired immune deficiency syndrome and
651 its impact on testing, confidentiality of test results, and



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652 treatment of patients. Each such licensee or certificateholder
653 shall submit confirmation of having completed said course, on a
654 form provided by the department, when submitting fees or
655 application for each biennial renewal.

656 Section 20. Section 381.0037, Florida Statutes, is
657 repealed.

658 Section 21. Subsections (2) through (11) of section 381.004,
659 Florida Statutes, are renumbered as subsections (1) through
660 (10), respectively, and present subsection (1), paragraph (a) of
661 present subsection (3), paragraph (d) of present subsection (5),
662 present subsection (7), and paragraph (c) of present subsection
663 (11) of that section are amended to read:

664 381.004 HIV testing.—

665 ~~(1) LEGISLATIVE INTENT. The Legislature finds that the use~~
666 ~~of tests designed to reveal a condition indicative of human~~
667 ~~immunodeficiency virus infection can be a valuable tool in~~
668 ~~protecting the public health. The Legislature finds that despite~~
669 ~~existing laws, regulations, and professional standards which~~
670 ~~require or promote the informed, voluntary, and confidential use~~
671 ~~of tests designed to reveal human immunodeficiency virus~~
672 ~~infection, many members of the public are deterred from seeking~~
673 ~~such testing because they misunderstand the nature of the test~~
674 ~~or fear that test results will be disclosed without their~~
675 ~~consent. The Legislature finds that the public health will be~~
676 ~~served by facilitating informed, voluntary, and confidential use~~
677 ~~of tests designed to detect human immunodeficiency virus~~
678 ~~infection.~~

679 (3) HUMAN IMMUNODEFICIENCY VIRUS TESTING; INFORMED CONSENT;
680 RESULTS; COUNSELING; CONFIDENTIALITY.—



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

700 (4) ~~(5)~~ HUMAN IMMUNODEFICIENCY VIRUS TESTING REQUIREMENTS;
701 REGISTRATION WITH THE DEPARTMENT OF HEALTH; EXEMPTIONS FROM
702 REGISTRATION.—No county health department and no other person in
703 this state shall conduct or hold themselves out to the public as
704 conducting a testing program for acquired immune deficiency
705 syndrome or human immunodeficiency virus status without first
706 registering with the Department of Health, reregistering each
707 year, complying with all other applicable provisions of state
708 law, and meeting the following requirements:

709 (d) The program must meet all the informed consent criteria



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710 contained in subsection (2) ~~(3)~~.

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

715 (10) ~~(11)~~ TESTING AS A CONDITION OF TREATMENT OR ADMISSION.—

716 (c) Any violation of this subsection or the rules
717 implementing it shall be punishable as provided in subsection
718 (5) ~~(6)~~.

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

721 381.0046 Statewide HIV and AIDS prevention campaign.—

722 (2) The Department of Health shall establish dedicated ~~four~~
723 positions within the department for HIV and AIDS regional
724 minority coordinators and ~~one position for~~ a statewide HIV and
725 AIDS minority coordinator. The coordinators shall facilitate
726 statewide efforts to implement and coordinate HIV and AIDS
727 prevention and treatment programs. ~~The statewide coordinator~~
728 ~~shall report directly to the chief of the Bureau of HIV and AIDS~~
729 ~~within the Department of Health.~~

730 Section 23. Subsections (3) through (7) of section
731 381.0051, Florida Statutes, are renumbered as subsections (2)
732 through (6), respectively, and present subsection (2) of that
733 section is amended to read:

734 381.0051 Family planning.—

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



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739 Section 24. Subsection (5) of section 381.0052, Florida
740 Statutes, is amended to read:

741 381.0052 Dental health.—

742 ~~(5) The department may adopt rules to implement this~~
743 ~~section.~~

744 Section 25. Subsection (4) of section 381.0053, Florida
745 Statutes, is amended to read:

746 381.0053 Comprehensive nutrition program.—

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

749 Section 26. Section 381.0054, Florida Statutes, is
750 repealed.

751 Section 27. Subsections (3) through (11) of section
752 381.0056, Florida Statutes are renumbered as subsections (2)
753 through (9), respectively, and present subsections (2), (3), and
754 (11) of that section are amended to read:

755 381.0056 School health services program.—

756 ~~(2) The Legislature finds that health services conducted as~~
757 ~~a part of the total school health program should be carried out~~
758 ~~to appraise, protect, and promote the health of students. School~~
759 ~~health services supplement, rather than replace, parental~~
760 ~~responsibility and are designed to encourage parents to devote~~
761 ~~attention to child health, to discover health problems, and to~~
762 ~~encourage use of the services of their physicians, dentists, and~~
763 ~~community health agencies.~~

764 (2)~~(3)~~ As When used in or for purposes of this section:

765 (a) "Emergency health needs" means onsite management and
766 aid for illness or injury pending the student's return to the
767 classroom or release to a parent, guardian, designated friend,



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768 or designated health care provider.

769 (b) "Entity" or "health care entity" means a unit of local
770 government or a political subdivision of the state; a hospital
771 licensed under chapter 395; a health maintenance organization
772 certified under chapter 641; a health insurer authorized under
773 the Florida Insurance Code; a community health center; a migrant
774 health center; a federally qualified health center; an
775 organization that meets the requirements for nonprofit status
776 under s. 501(c) (3) of the Internal Revenue Code; a private
777 industry or business; or a philanthropic foundation that agrees
778 to participate in a public-private partnership with a county
779 health department, local school district, or school in the
780 delivery of school health services, and agrees to the terms and
781 conditions for the delivery of such services as required by this
782 section and as documented in the local school health services
783 plan.

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

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

788 (e) "School health services plan" means the document that
789 describes the services to be provided, the responsibility for
790 provision of the services, the anticipated expenditures to
791 provide the services, and evidence of cooperative planning by
792 local school districts and county health departments.

793 (f) "Screening" means presumptive identification of unknown
794 or unrecognized diseases or defects by the application of tests
795 that can be given with ease and rapidity to apparently healthy
796 persons.



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797 ~~(11) School health programs funded by health care districts~~
798 ~~or entities defined in subsection (3) must be supplementary to~~
799 ~~and consistent with the requirements of this section and ss.~~
800 ~~381.0057 and 381.0059.~~

801 Section 28. Subsections (2) through (7) of section
802 381.0057, Florida Statutes, are renumbered as subsections (1)
803 through (6), respectively, and present subsections (1), (4), and
804 (6) of that section are amended to read:

805 381.0057 Funding for school health services.—

806 ~~(1) It is the intent of the Legislature that funds in~~
807 ~~addition to those provided under the School Health Services Act~~
808 ~~be provided to those school districts and schools where there is~~
809 ~~a high incidence of medically underserved high-risk children,~~
810 ~~low birthweight babies, infant mortality, or teenage pregnancy.~~
811 ~~The purpose of this funding is to phase in those programs which~~
812 ~~offer the greatest potential for promoting the health of~~
813 ~~students and reducing teenage pregnancy.~~

814 (3)~~(4)~~ Any school district, school, or laboratory school
815 which desires to receive state funding under the provisions of
816 this section shall submit a proposal to the joint committee
817 established in subsection (2) ~~(3)~~. The proposal shall state the
818 goals of the program, provide specific plans for reducing
819 teenage pregnancy, and describe all of the health services to be
820 available to students with funds provided pursuant to this
821 section, including a combination of initiatives such as health
822 education, counseling, extracurricular, and self-esteem
823 components. School health services shall not promote elective
824 termination of pregnancy as a part of counseling services. Only
825 those program proposals which have been developed jointly by



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826 county health departments and local school districts or schools,
827 and which have community and parental support, shall be eligible
828 for funding. Funding shall be available specifically for
829 implementation of one of the following programs:

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

834 1. Planning, implementing, and evaluating school health
835 services. Staffing shall include a full-time, trained school
836 health aide in each elementary, middle, and high school; one
837 full-time nurse to supervise the aides in the elementary and
838 middle schools; and one full-time nurse in each high school.

839 2. Providing student health appraisals and identification
840 of actual or potential health problems by screenings, nursing
841 assessments, and record reviews.

842 3. Expanding screening activities.

843 4. Improving the student utilization of school health
844 services.

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

847 (b) *Student support services team program.*—The program
848 shall include a multidisciplinary team composed of a
849 psychologist, social worker, and nurse whose responsibilities
850 are to provide basic support services and to assist, in the
851 school setting, children who exhibit mild to severely complex
852 health, behavioral, or learning problems affecting their school
853 performance. Support services shall include, but not be limited
854 to: evaluation and treatment for minor illnesses and injuries,



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855 referral and followup for serious illnesses and emergencies,
856 onsite care and consultation, referral to a physician, and
857 followup care for pregnancy or chronic diseases and disorders as
858 well as emotional or mental problems. Services also shall
859 include referral care for drug and alcohol abuse and sexually
860 transmitted diseases, sports and employment physicals,
861 immunizations, and in addition, effective preventive services
862 aimed at delaying early sexual involvement and aimed at
863 pregnancy, acquired immune deficiency syndrome, sexually
864 transmitted diseases, and destructive lifestyle conditions, such
865 as alcohol and drug abuse. Moneys for this program shall be used
866 to fund three teams, each consisting of one half-time
867 psychologist, one full-time nurse, and one full-time social
868 worker. Each team shall provide student support services to an
869 elementary school, middle school, and high school that are a
870 part of one feeder school system and shall coordinate all
871 activities with the school administrator and guidance counselor
872 at each school. A program which places all three teams in middle
873 schools or high schools may also be proposed.

874 (c) *Full service schools.*—The full-service schools shall
875 integrate the services of the Department of Health that are
876 critical to the continuity-of-care process. The department shall
877 provide services to students on the school grounds. Department
878 personnel shall provide their specialized services as an
879 extension of the educational environment. Such services may
880 include nutritional services, medical services, aid to dependent
881 children, parenting skills, counseling for abused children, and
882 education for the students' parents or guardians.

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

887 (5)~~(6)~~ Each school district or school program that is
888 funded through the provisions of this section shall provide a
889 mechanism through which a parent may, by written request, exempt
890 a child from all or certain services provided by a school health
891 services program described in subsection (3) ~~(4)~~.

892 Section 29. Section 381.00591, Florida Statutes, is amended
893 to read:

894 381.00591 Department of Health; National Environmental
895 Laboratory accreditation; application; ~~rules.~~—The Department of
896 Health may apply for and become a National Environmental
897 Laboratory Accreditation Program accreditation body ~~accrediting~~
898 ~~authority. The department, as an accrediting entity, may adopt~~
899 ~~rules pursuant to ss. 120.536(1) and 120.54, to implement~~
900 ~~standards of the National Environmental Laboratory Accreditation~~
901 ~~Program, including requirements for proficiency testing~~
902 ~~providers and other rules that are not inconsistent with this~~
903 ~~section, including rules pertaining to fees, application~~
904 ~~procedures, standards applicable to environmental or public~~
905 ~~water supply laboratories, and compliance.~~

906 Section 30. Subsection (9) of section 381.00593, Florida
907 Statutes, is renumbered as subsection (8), and present
908 subsection (8) of that section is amended to read:

909 381.00593 Public school volunteer health care practitioner
910 program.—

911 ~~(8) The Department of Health, in cooperation with the~~
912 ~~Department of Education, may adopt rules necessary to implement~~



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913 ~~this section. The rules shall include the forms to be completed~~
914 ~~and procedures to be followed by applicants and school personnel~~
915 ~~under the program.~~

916 Section 31. Subsections (2) through (6) of section
917 381.0062, Florida Statutes, are renumbered as subsections (1)
918 through (5), respectively, and present subsections (1) and (4)
919 of that section are amended to read:

920 381.0062 Supervision; private and certain public water
921 systems.-

922 ~~(1) LEGISLATIVE INTENT.-It is the intent of the Legislature~~
923 ~~to protect the public's health by establishing standards for the~~
924 ~~construction, modification, and operation of public and private~~
925 ~~water systems to assure consumers that the water provided by~~
926 ~~those systems is potable.~~

927 (3)~~(4)~~ RIGHT OF ENTRY.-For purposes of this section,
928 department personnel may enter, at any reasonable time and if
929 they have reasonable cause to believe a violation of this
930 section is occurring or about to occur, upon any and all parts
931 of the premises of such limited use public and multifamily
932 drinking water systems, to make an examination and investigation
933 to determine the sanitary and safety conditions of such systems.
934 ~~Any person who interferes with, hinders, or opposes any employee~~
935 ~~of the department in the discharge of his or her duties pursuant~~
936 ~~to the provisions of this section is subject to the penalties~~
937 ~~provided in s. 381.0025.~~

938 Section 32. Subsections (1), (5), (6), and (7) of section
939 381.0065, Florida Statutes, are amended, paragraphs (b) through
940 (p) of subsection (2) of that section are redesignated as
941 paragraphs (c) through (q), respectively, a new paragraph (b) is



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942 added to that subsection, paragraphs (c) and (j) of subsection
943 (3) and paragraphs (h), (n), and (o) of subsection (4) of that
944 section are amended, and paragraphs (w) through (aa) are added
945 to subsection (4) of that section, to read:

946 381.0065 Onsite sewage treatment and disposal systems;
947 regulation.—

948 (1) LEGISLATIVE INTENT.—

949 (a) It is the intent of the Legislature that proper
950 management of onsite sewage treatment and disposal systems is
951 paramount to the health, safety, and welfare of the public. ~~It~~
952 ~~is further the intent of the Legislature that the department~~
953 ~~shall administer an evaluation program to ensure the operational~~
954 ~~condition of the system and identify any failure with the~~
955 ~~system.~~

956 (b) It is the intent of the Legislature that where a
957 publicly owned or investor-owned sewerage system is not
958 available, the department shall issue permits for the
959 construction, installation, modification, abandonment, or repair
960 of onsite sewage treatment and disposal systems under conditions
961 as described in this section and rules adopted under this
962 section. It is further the intent of the Legislature that the
963 installation and use of onsite sewage treatment and disposal
964 systems not adversely affect the public health or significantly
965 degrade the groundwater or surface water.

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

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

970 a. For site-built dwellings, has a minimum of 70 square



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971 feet of conditioned space;
972 b. For manufactured homes, is constructed according to
973 standards of the United States Department of Housing and Urban
974 Development and has a minimum of 50 square feet of floor area;
975 c. Is located along an exterior wall;
976 d. Has a closet and a door or an entrance where a door
977 could be reasonably installed; and
978 e. Has an emergency means of escape and rescue opening to
979 the outside.
980 2. A room may not be considered a bedroom if it is used to
981 access another room except a bathroom or closet.
982 3. "Bedroom" does not include a hallway, bathroom, kitchen,
983 living room, family room, dining room, den, breakfast nook,
984 pantry, laundry room, sunroom, recreation room, media/video
985 room, or exercise room.
986 (3) DUTIES AND POWERS OF THE DEPARTMENT OF HEALTH.—The
987 department shall:
988 (c) Develop a comprehensive program to ensure that onsite
989 sewage treatment and disposal systems regulated by the
990 department are sized, designed, constructed, installed,
991 repaired, modified, abandoned, used, operated, and maintained in
992 compliance with this section and rules adopted under this
993 section to prevent groundwater contamination and surface water
994 contamination and to preserve the public health. The department
995 is the final administrative interpretive authority regarding
996 rule interpretation. In the event of a conflict regarding rule
997 interpretation, the State Surgeon General ~~Division Director for~~
998 ~~Environmental Health of the department~~, or his or her designee,
999 shall timely assign a staff person to resolve the dispute.



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1000 (j) Supervise research on, demonstration of, and training
1001 on the performance, environmental impact, and public health
1002 impact of onsite sewage treatment and disposal systems within
1003 this state. Research fees collected under s. 381.0066(2)(k)
1004 ~~381.0066(2)(l)~~ must be used to develop and fund hands-on
1005 training centers designed to provide practical information about
1006 onsite sewage treatment and disposal systems to septic tank
1007 contractors, master septic tank contractors, contractors,
1008 inspectors, engineers, and the public and must also be used to
1009 fund research projects which focus on improvements of onsite
1010 sewage treatment and disposal systems, including use of
1011 performance-based standards and reduction of environmental
1012 impact. Research projects shall be initially approved by the
1013 technical review and advisory panel and shall be applicable to
1014 and reflect the soil conditions specific to Florida. Such
1015 projects shall be awarded through competitive negotiation, using
1016 the procedures provided in s. 287.055, to public or private
1017 entities that have experience in onsite sewage treatment and
1018 disposal systems in Florida and that are principally located in
1019 Florida. Research projects shall not be awarded to firms or
1020 entities that employ or are associated with persons who serve on
1021 either the technical review and advisory panel or the research
1022 review and advisory committee.

1023 (4) PERMITS; INSTALLATION; AND CONDITIONS.—A person may not
1024 construct, repair, modify, abandon, or operate an onsite sewage
1025 treatment and disposal system without first obtaining a permit
1026 approved by the department. The department may issue permits to
1027 carry out this section, but shall not make the issuance of such
1028 permits contingent upon prior approval by the Department of



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1029 Environmental Protection, except that the issuance of a permit
1030 for work seaward of the coastal construction control line
1031 established under s. 161.053 shall be contingent upon receipt of
1032 any required coastal construction control line permit from the
1033 Department of Environmental Protection. A construction permit is
1034 valid for 18 months from the issuance date and may be extended
1035 by the department for one 90-day period under rules adopted by
1036 the department. A repair permit is valid for 90 days from the
1037 date of issuance. An operating permit must be obtained prior to
1038 the use of any aerobic treatment unit or if the establishment
1039 generates commercial waste. Buildings or establishments that use
1040 an aerobic treatment unit or generate commercial waste shall be
1041 inspected by the department at least annually to assure
1042 compliance with the terms of the operating permit. The operating
1043 permit for a commercial wastewater system is valid for 1 year
1044 from the date of issuance and must be renewed annually. The
1045 operating permit for an aerobic treatment unit is valid for 2
1046 years from the date of issuance and must be renewed every 2
1047 years. If all information pertaining to the siting, location,
1048 and installation conditions or repair of an onsite sewage
1049 treatment and disposal system remains the same, a construction
1050 or repair permit for the onsite sewage treatment and disposal
1051 system may be transferred to another person, if the transferee
1052 files, within 60 days after the transfer of ownership, an
1053 amended application providing all corrected information and
1054 proof of ownership of the property. There is no fee associated
1055 with the processing of this supplemental information. A person
1056 may not contract to construct, modify, alter, repair, service,
1057 abandon, or maintain any portion of an onsite sewage treatment



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1058 and disposal system without being registered under part III of
1059 chapter 489. A property owner who personally performs
1060 construction, maintenance, or repairs to a system serving his or
1061 her own owner-occupied single-family residence is exempt from
1062 registration requirements for performing such construction,
1063 maintenance, or repairs on that residence, but is subject to all
1064 permitting requirements. A municipality or political subdivision
1065 of the state may not issue a building or plumbing permit for any
1066 building that requires the use of an onsite sewage treatment and
1067 disposal system unless the owner or builder has received a
1068 construction permit for such system from the department. A
1069 building or structure may not be occupied and a municipality,
1070 political subdivision, or any state or federal agency may not
1071 authorize occupancy until the department approves the final
1072 installation of the onsite sewage treatment and disposal system.
1073 A municipality or political subdivision of the state may not
1074 approve any change in occupancy or tenancy of a building that
1075 uses an onsite sewage treatment and disposal system until the
1076 department has reviewed the use of the system with the proposed
1077 change, approved the change, and amended the operating permit.

1078 (h) 1. The department may grant variances in hardship cases
1079 which may be less restrictive than the provisions specified in
1080 this section. If a variance is granted and the onsite sewage
1081 treatment and disposal system construction permit has been
1082 issued, the variance may be transferred with the system
1083 construction permit, if the transferee files, within 60 days
1084 after the transfer of ownership, an amended construction permit
1085 application providing all corrected information and proof of
1086 ownership of the property and if the same variance would have



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1087 been required for the new owner of the property as was
1088 originally granted to the original applicant for the variance.
1089 There is no fee associated with the processing of this
1090 supplemental information. A variance may not be granted under
1091 this section until the department is satisfied that:

1092 a. The hardship was not caused intentionally by the action
1093 of the applicant;

1094 b. No reasonable alternative, taking into consideration
1095 factors such as cost, exists for the treatment of the sewage;
1096 and

1097 c. The discharge from the onsite sewage treatment and
1098 disposal system will not adversely affect the health of the
1099 applicant or the public or significantly degrade the groundwater
1100 or surface waters.

1101
1102 Where soil conditions, water table elevation, and setback
1103 provisions are determined by the department to be satisfactory,
1104 special consideration must be given to those lots platted before
1105 1972.

1106 2. The department shall appoint and staff a variance review
1107 and advisory committee, which shall meet monthly to recommend
1108 agency action on variance requests. The committee shall make its
1109 recommendations on variance requests at the meeting in which the
1110 application is scheduled for consideration, except for an
1111 extraordinary change in circumstances, the receipt of new
1112 information that raises new issues, or when the applicant
1113 requests an extension. The committee shall consider the criteria
1114 in subparagraph 1. in its recommended agency action on variance
1115 requests and shall also strive to allow property owners the full



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1116 use of their land where possible. The committee consists of the
1117 following:

1118 a. The State Surgeon General, ~~Division Director for~~
1119 ~~Environmental Health of the department~~ or his or her designee.

1120 b. A representative from the county health departments.

1121 c. A representative from the home building industry
1122 recommended by the Florida Home Builders Association.

1123 d. A representative from the septic tank industry
1124 recommended by the Florida Onsite Wastewater Association.

1125 e. A representative from the Department of Environmental
1126 Protection.

1127 f. A representative from the real estate industry who is
1128 also a developer in this state who develops lots using onsite
1129 sewage treatment and disposal systems, recommended by the
1130 Florida Association of Realtors.

1131 g. A representative from the engineering profession
1132 recommended by the Florida Engineering Society.

1133

1134 Members shall be appointed for a term of 3 years, with such
1135 appointments being staggered so that the terms of no more than
1136 two members expire in any one year. Members shall serve without
1137 remuneration, but if requested, shall be reimbursed for per diem
1138 and travel expenses as provided in s. 112.061.

1139 (n) Evaluations for determining the seasonal high-water
1140 table elevations or the suitability of soils for the use of a
1141 new onsite sewage treatment and disposal system shall be
1142 performed by department personnel, professional engineers
1143 registered in the state, or such other persons with expertise,
1144 as defined by rule, in making such evaluations. Evaluations for



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1145 determining mean annual flood lines shall be performed by those
1146 persons identified in paragraph (2)(j) ~~(2)(i)~~. The department
1147 shall accept evaluations submitted by professional engineers and
1148 such other persons as meet the expertise established by this
1149 section or by rule unless the department has a reasonable
1150 scientific basis for questioning the accuracy or completeness of
1151 the evaluation.

1152 (o) The department shall appoint a research review and
1153 advisory committee, which shall meet at least semiannually. The
1154 committee shall advise the department on directions for new
1155 research, review and rank proposals for research contracts, and
1156 review draft research reports and make comments. The committee
1157 is comprised of:

1158 1. A representative of the State Surgeon General, or his or
1159 her designee ~~Division of Environmental Health of the Department~~
1160 ~~of Health~~.

1161 2. A representative from the septic tank industry.

1162 3. A representative from the home building industry.

1163 4. A representative from an environmental interest group.

1164 5. A representative from the State University System, from
1165 a department knowledgeable about onsite sewage treatment and
1166 disposal systems.

1167 6. A professional engineer registered in this state who has
1168 work experience in onsite sewage treatment and disposal systems.

1169 7. A representative from local government who is
1170 knowledgeable about domestic wastewater treatment.

1171 8. A representative from the real estate profession.

1172 9. A representative from the restaurant industry.

1173 10. A consumer.



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1174
1175 Members shall be appointed for a term of 3 years, with the
1176 appointments being staggered so that the terms of no more than
1177 four members expire in any one year. Members shall serve without
1178 remuneration, but are entitled to reimbursement for per diem and
1179 travel expenses as provided in s. 112.061.

1180 (w) Any permit issued and approved by the department for
1181 the installation, modification, or repair of an onsite sewage
1182 treatment and disposal system shall transfer with the title to
1183 the property in a real estate transaction. A title may not be
1184 encumbered at the time of transfer by new permit requirements by
1185 a governmental entity for an onsite sewage treatment and
1186 disposal system which differ from the permitting requirements in
1187 effect at the time the system was permitted, modified, or
1188 repaired. An inspection of a system may not be mandated by a
1189 governmental entity at the point of sale in a real estate
1190 transaction. This paragraph does not affect a septic tank phase-
1191 out deferral program implemented by a consolidated government as
1192 defined in s. 9, Art. VIII of the State Constitution.

1193 (x) A governmental entity, including a municipality,
1194 county, or statutorily created commission, may not require an
1195 engineer-designed performance-based treatment system, excluding
1196 a passive engineer-designed performance-based treatment system,
1197 before the completion of the Florida Onsite Sewage Nitrogen
1198 Reduction Strategies Project. This paragraph does not apply to a
1199 governmental entity, including a municipality, county, or
1200 statutorily created commission, which adopted a local law,
1201 ordinance, or regulation on or before January 31, 2012.
1202 Notwithstanding this paragraph, an engineer-designed



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1203 performance-based treatment system may be used to meet the
1204 requirements of the variance review and advisory committee
1205 recommendations.

1206 (y)1. An onsite sewage treatment and disposal system is not
1207 considered abandoned if the system is disconnected from a
1208 structure that was made unusable or destroyed following a
1209 disaster and if the system was properly functioning at the time
1210 of disconnection and not adversely affected by the disaster. The
1211 onsite sewage treatment and disposal system may be reconnected
1212 to a rebuilt structure if:

1213 a. The reconnection of the system is to the same type of
1214 structure which contains the same number of bedrooms or fewer,
1215 if the square footage of the structure is less than or equal to
1216 110 percent of the original square footage of the structure that
1217 existed before the disaster;

1218 b. The system is not a sanitary nuisance; and

1219 c. The system has not been altered without prior
1220 authorization.

1221 2. An onsite sewage treatment and disposal system that
1222 serves a property that is foreclosed upon is not considered
1223 abandoned.

1224 (z) If an onsite sewage treatment and disposal system
1225 permittee receives, relies upon, and undertakes construction of
1226 a system based upon a validly issued construction permit under
1227 rules applicable at the time of construction but a change to a
1228 rule occurs within 5 years after the approval of the system for
1229 construction but before the final approval of the system, the
1230 rules applicable and in effect at the time of construction
1231 approval apply at the time of final approval if fundamental site



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1232 conditions have not changed between the time of construction
1233 approval and final approval.

1234 (aa) A modification, replacement, or upgrade of an onsite
1235 sewage treatment and disposal system is not required for a
1236 remodeling addition to a single-family home if a bedroom is not
1237 added.

1238 ~~(5) EVALUATION AND ASSESSMENT.—~~

1239 ~~(a) Beginning July 1, 2011, the department shall administer~~
1240 ~~an onsite sewage treatment and disposal system evaluation~~
1241 ~~program for the purpose of assessing the fundamental operational~~
1242 ~~condition of systems and identifying any failures within the~~
1243 ~~systems. The department shall adopt rules implementing the~~
1244 ~~program standards, procedures, and requirements, including, but~~
1245 ~~not limited to, a schedule for a 5-year evaluation cycle,~~
1246 ~~requirements for the pump-out of a system or repair of a failing~~
1247 ~~system, enforcement procedures for failure of a system owner to~~
1248 ~~obtain an evaluation of the system, and failure of a contractor~~
1249 ~~to timely submit evaluation results to the department and the~~
1250 ~~system owner. The department shall ensure statewide~~
1251 ~~implementation of the evaluation and assessment program by~~
1252 ~~January 1, 2016.~~

1253 ~~(b) Owners of an onsite sewage treatment and disposal~~
1254 ~~system, excluding a system that is required to obtain an~~
1255 ~~operating permit, shall have the system evaluated at least once~~
1256 ~~every 5 years to assess the fundamental operational condition of~~
1257 ~~the system, and identify any failure within the system.~~

1258 ~~(c) All evaluation procedures must be documented and~~
1259 ~~nothing in this subsection limits the amount of detail an~~
1260 ~~evaluator may provide at his or her professional discretion. The~~



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1261 ~~evaluation must include a tank and drainfield evaluation, a~~
1262 ~~written assessment of the condition of the system, and, if~~
1263 ~~necessary, a disclosure statement pursuant to the department's~~
1264 ~~procedure.~~

1265 ~~(d)1. Systems being evaluated that were installed prior to~~
1266 ~~January 1, 1983, shall meet a minimum 6 inch separation from the~~
1267 ~~bottom of the drainfield to the wettest season water table~~
1268 ~~elevation as defined by department rule. All drainfield repairs,~~
1269 ~~replacements or modifications to systems installed prior to~~
1270 ~~January 1, 1983, shall meet a minimum 12-inch separation from~~
1271 ~~the bottom of the drainfield to the wettest season water table~~
1272 ~~elevation as defined by department rule.~~

1273 ~~2. Systems being evaluated that were installed on or after~~
1274 ~~January 1, 1983, shall meet a minimum 12 inch separation from~~
1275 ~~the bottom of the drainfield to the wettest season water table~~
1276 ~~elevation as defined by department rule. All drainfield repairs,~~
1277 ~~replacements or modification to systems developed on or after~~
1278 ~~January 1, 1983, shall meet a minimum 24 inch separation from~~
1279 ~~the bottom of the drainfield to the wettest season water table~~
1280 ~~elevation.~~

1281 ~~(e) If documentation of a tank pump out or a permitted new~~
1282 ~~installation, repair, or modification of the system within the~~
1283 ~~previous 5 years is provided, and states the capacity of the~~
1284 ~~tank and indicates that the condition of the tank is not a~~
1285 ~~sanitary or public health nuisance pursuant to department rule,~~
1286 ~~a pump out of the system is not required.~~

1287 ~~(f) Owners are responsible for paying the cost of any~~
1288 ~~required pump out, repair, or replacement pursuant to department~~
1289 ~~rule, and may not request partial evaluation or the omission of~~



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1290 ~~portions of the evaluation.~~

1291 ~~(g) Each evaluation or pump-out required under this~~
1292 ~~subsection must be performed by a septic tank contractor or~~
1293 ~~master septic tank contractor registered under part III of~~
1294 ~~chapter 489, a professional engineer with wastewater treatment~~
1295 ~~system experience licensed pursuant to chapter 471, or an~~
1296 ~~environmental health professional certified under chapter 381 in~~
1297 ~~the area of onsite sewage treatment and disposal system~~
1298 ~~evaluation.~~

1299 ~~(h) The evaluation report fee collected pursuant to s.~~
1300 ~~381.0066(2)(b) shall be remitted to the department by the~~
1301 ~~evaluator at the time the report is submitted.~~

1302 ~~(i) Prior to any evaluation deadline, the department must~~
1303 ~~provide a minimum of 60 days' notice to owners that their~~
1304 ~~systems must be evaluated by that deadline. The department may~~
1305 ~~include a copy of any homeowner educational materials developed~~
1306 ~~pursuant to this section which provides information on the~~
1307 ~~proper maintenance of onsite sewage treatment and disposal~~
1308 ~~systems.~~

1309 (5)~~(6)~~ ENFORCEMENT; RIGHT OF ENTRY; CITATIONS.—

1310 (a) Department personnel who have reason to believe
1311 noncompliance exists, may at any reasonable time, enter the
1312 premises permitted under ss. 381.0065-381.0066, or the business
1313 premises of any septic tank contractor or master septic tank
1314 contractor registered under part III of chapter 489, or any
1315 premises that the department has reason to believe is being
1316 operated or maintained not in compliance, to determine
1317 compliance with the provisions of this section, part I of
1318 chapter 386, or part III of chapter 489 or rules or standards



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1319 adopted under ss. 381.0065-381.0067, part I of chapter 386, or
1320 part III of chapter 489. As used in this paragraph, the term
1321 "premises" does not include a residence or private building. To
1322 gain entry to a residence or private building, the department
1323 must obtain permission from the owner or occupant or secure an
1324 inspection warrant from a court of competent jurisdiction.

1325 (b)1. The department may issue citations that may contain
1326 an order of correction or an order to pay a fine, or both, for
1327 violations of ss. 381.0065-381.0067, part I of chapter 386, or
1328 part III of chapter 489 or the rules adopted by the department,
1329 when a violation of these sections or rules is enforceable by an
1330 administrative or civil remedy, or when a violation of these
1331 sections or rules is a misdemeanor of the second degree. A
1332 citation issued under ss. 381.0065-381.0067, part I of chapter
1333 386, or part III of chapter 489 constitutes a notice of proposed
1334 agency action.

1335 2. A citation must be in writing and must describe the
1336 particular nature of the violation, including specific reference
1337 to the provisions of law or rule allegedly violated.

1338 3. The fines imposed by a citation issued by the department
1339 may not exceed \$500 for each violation. Each day the violation
1340 exists constitutes a separate violation for which a citation may
1341 be issued.

1342 4. The department shall inform the recipient, by written
1343 notice pursuant to ss. 120.569 and 120.57, of the right to an
1344 administrative hearing to contest the citation within 21 days
1345 after the date the citation is received. The citation must
1346 contain a conspicuous statement that if the recipient fails to
1347 pay the fine within the time allowed, or fails to appear to



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1348 contest the citation after having requested a hearing, the
1349 recipient has waived the recipient's right to contest the
1350 citation and must pay an amount up to the maximum fine.

1351 5. The department may reduce or waive the fine imposed by
1352 the citation. In determining whether to reduce or waive the
1353 fine, the department must consider the gravity of the violation,
1354 the person's attempts at correcting the violation, and the
1355 person's history of previous violations including violations for
1356 which enforcement actions were taken under ss. 381.0065-
1357 381.0067, part I of chapter 386, part III of chapter 489, or
1358 other provisions of law or rule.

1359 6. Any person who willfully refuses to sign and accept a
1360 citation issued by the department commits a misdemeanor of the
1361 second degree, punishable as provided in s. 775.082 or s.
1362 775.083.

1363 7. The department, pursuant to ss. 381.0065-381.0067, part
1364 I of chapter 386, or part III of chapter 489, shall deposit any
1365 fines it collects in the county health department trust fund for
1366 use in providing services specified in those sections.

1367 8. This section provides an alternative means of enforcing
1368 ss. 381.0065-381.0067, part I of chapter 386, and part III of
1369 chapter 489. This section does not prohibit the department from
1370 enforcing ss. 381.0065-381.0067, part I of chapter 386, or part
1371 III of chapter 489, or its rules, by any other means. However,
1372 the department must elect to use only a single method of
1373 enforcement for each violation.

1374 ~~(6)(7)~~ LAND APPLICATION OF SEPTAGE PROHIBITED.—Effective
1375 January 1, 2016, the land application of septage from onsite
1376 sewage treatment and disposal systems is prohibited. ~~By February~~



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1377 ~~1, 2011, the department, in consultation with the Department of~~
1378 ~~Environmental Protection, shall provide a report to the~~
1379 ~~Governor, the President of the Senate, and the Speaker of the~~
1380 ~~House of Representatives, recommending alternative methods to~~
1381 ~~establish enhanced treatment levels for the land application of~~
1382 ~~septage from onsite sewage and disposal systems. The report~~
1383 ~~shall include, but is not limited to, a schedule for the~~
1384 ~~reduction in land application, appropriate treatment levels,~~
1385 ~~alternative methods for treatment and disposal, enhanced~~
1386 ~~application site permitting requirements including any~~
1387 ~~requirements for nutrient management plans, and the range of~~
1388 ~~costs to local governments, affected businesses, and individuals~~
1389 ~~for alternative treatment and disposal methods. The report shall~~
1390 ~~also include any recommendations for legislation or rule~~
1391 ~~authority needed to reduce land application of septage.~~

1392 Section 33. Section 381.00651, Florida Statutes, is created
1393 to read:

1394 381.00651 Periodic evaluation and assessment of onsite
1395 sewage treatment and disposal systems.-

1396 (1) For the purposes of this section, the term "first
1397 magnitude spring" means a spring that has a median water
1398 discharge of greater than or equal to 100 cubic feet per second
1399 for the period of record, as determined by the Department of
1400 Environmental Protection.

1401 (2) A county or municipality that contains a first
1402 magnitude spring shall, by no later than January 1, 2013,
1403 develop and adopt by local ordinance an onsite sewage treatment
1404 and disposal system evaluation and assessment program that meets
1405 the requirements of this section. The ordinance may apply within



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1406 all or part of its geographic area. Those counties or
1407 municipalities containing a first magnitude spring which have
1408 already adopted an onsite sewage treatment and disposal system
1409 evaluation and assessment program and which meet the
1410 grandfathering requirements contained in this section, or have
1411 chosen to opt out of this section in the manner provided herein,
1412 are exempt from the requirement to adopt an ordinance
1413 implementing an evaluation and assessment program. The governing
1414 body of a local government that chooses to opt out of this
1415 section, by a 60 percent vote of the voting members of the
1416 governing board, shall do so by adopting a resolution that
1417 indicates an intent on the part of such local government not to
1418 adopt an onsite sewage treatment and disposal system evaluation
1419 and assessment program. Such resolution shall be addressed and
1420 transmitted to the Secretary of State. Absent an interlocal
1421 agreement or county charter provision to the contrary, a
1422 municipality may elect to opt out of the requirements of this
1423 section, by a 60 percent vote of the voting members of the
1424 governing board, notwithstanding a contrary decision of the
1425 governing body of a county. Any local government that has
1426 properly opted out of this section but subsequently chooses to
1427 adopt an evaluation and assessment program may do so only
1428 pursuant to the requirements of this section and may not deviate
1429 from such requirements.

1430 (3) Any county or municipality that does not contain a
1431 first magnitude spring may at any time develop and adopt by
1432 local ordinance an onsite sewage treatment and disposal system
1433 evaluation and assessment program, provided such program meets
1434 and does not deviate from the requirements of this section.



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1435 (4) Notwithstanding any other provision in this section, a
1436 county or municipality that has adopted a program before July 1,
1437 2011, may continue to enforce its current program without having
1438 to meet the requirements of this section, provided such program
1439 does not require an evaluation at the point of sale in a real
1440 estate transaction.

1441 (5) Any county or municipality may repeal an ordinance
1442 adopted pursuant to this section only if the county or
1443 municipality notifies the Secretary of State by letter of the
1444 repeal. No county or municipality may adopt an onsite sewage
1445 treatment and disposal system evaluation and assessment program
1446 except pursuant to this section.

1447 (6) The requirements for an onsite sewage treatment and
1448 disposal system evaluation and assessment program are as
1449 follows:

1450 (a) Evaluations.—An evaluation of each onsite sewage
1451 treatment and disposal system within all or part of the county's
1452 or municipality's jurisdiction must take place once every 5
1453 years to assess the fundamental operational condition of the
1454 system and to identify system failures. The ordinance may not
1455 mandate an evaluation at the point of sale in a real estate
1456 transaction and may not require a soil examination. The location
1457 of the system shall be identified. A tank and drainfield
1458 evaluation and a written assessment of the overall condition of
1459 the system pursuant to the assessment procedure prescribed in
1460 subsection (7) are required.

1461 (b) Qualified contractors.—Each evaluation required under
1462 this subsection must be performed by a qualified contractor, who
1463 may be a septic tank contractor or master septic tank contractor



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1464 registered under part III of chapter 489, a professional
1465 engineer having wastewater treatment system experience and
1466 licensed under chapter 471, or an environmental health
1467 professional certified under this chapter in the area of onsite
1468 sewage treatment and disposal system evaluation. Evaluations and
1469 pump-outs may also be performed by an authorized employee
1470 working under the supervision of an individual listed in this
1471 paragraph; however, all evaluation forms must be signed by a
1472 qualified contractor in writing or by electronic signature.

1473 (c) Repair of systems.—The local ordinance may not require
1474 a repair, modification, or replacement of a system as a result
1475 of an evaluation unless the evaluation identifies a system
1476 failure. For purposes of this subsection, the term "system
1477 failure" means a condition existing within an onsite sewage
1478 treatment and disposal system which results in the discharge of
1479 untreated or partially treated wastewater onto the ground
1480 surface or into surface water or that results in the failure of
1481 building plumbing to discharge properly and presents a sanitary
1482 nuisance. A system is not in failure if the system does not have
1483 a minimum separation distance between the drainfield and the
1484 wettest season water table or if an obstruction in a sanitary
1485 line or an effluent screen or filter prevents effluent from
1486 flowing into a drainfield. If a system failure is identified and
1487 several allowable remedial measures are available to resolve the
1488 failure, the system owner may choose the least costly allowable
1489 remedial measure to fix the system. There may be instances in
1490 which a pump-out is sufficient to resolve a system failure.
1491 Allowable remedial measures to resolve a system failure are
1492 limited to what is necessary to resolve the failure and must



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1493 meet, to the maximum extent practicable, the requirements of the
1494 repair code in effect when the repair is made, subject to the
1495 exceptions specified in s. 381.0065(4)(g). An engineer-designed
1496 performance-based treatment system to reduce nutrients may not
1497 be required as an alternative remediation measure to resolve the
1498 failure of a conventional system.

1499 (d) Exemptions.—

1500 1. The local ordinance shall exempt from the evaluation
1501 requirements any system that is required to obtain an operating
1502 permit pursuant to state law or that is inspected by the
1503 department pursuant to the annual permit inspection requirements
1504 of chapter 513.

1505 2. The local ordinance may provide for an exemption or an
1506 extension of time to obtain an evaluation and assessment if
1507 connection to a sewer system is available, connection to the
1508 sewer system is imminent, and written arrangements for payment
1509 of any utility assessments or connection fees have been made by
1510 the system owner.

1511 3. An onsite sewage treatment and disposal system serving a
1512 residential dwelling unit on a lot with a ratio of one bedroom
1513 per acre or greater is exempt from the requirements of this
1514 section and may not be included in any onsite sewage treatment
1515 and disposal system inspection program.

1516 (7) The following procedures shall be used for conducting
1517 evaluations:

1518 (a) Tank evaluation.—The tank evaluation shall assess the
1519 apparent structural condition and watertightness of the tank and
1520 shall estimate the size of the tank. The evaluation must include
1521 a pump-out. However, an ordinance may not require a pump-out if



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1522 there is documentation indicating that a tank pump-out or a
1523 permitted new installation, repair, or modification of the
1524 system has occurred within the previous 5 years, identifying the
1525 capacity of the tank, and indicating that the condition of the
1526 tank is structurally sound and watertight. Visual inspection of
1527 the tank must be made when the tank is empty to detect cracks,
1528 leaks, or other defects. Baffles or tees must be checked to
1529 ensure that they are intact and secure. The evaluation shall
1530 note the presence and condition of outlet devices, effluent
1531 filters, and compartment walls; any structural defect in the
1532 tank; the condition and fit of the tank lid, including manholes;
1533 whether surface water can infiltrate the tank; and whether the
1534 tank was pumped out. If the tank, in the opinion of the
1535 qualified contractor, is in danger of being damaged by leaving
1536 the tank empty after inspection, the tank shall be refilled
1537 before concluding the inspection. Broken or damaged lids or
1538 manholes shall be replaced without obtaining a repair permit.

1539 (b) Drainfield evaluation.—The drainfield evaluation must
1540 include a determination of the approximate size and location of
1541 the drainfield. The evaluation shall state whether there is any
1542 sewage or effluent visible on the ground or discharging to a
1543 ditch or other water body and the location of any downspout or
1544 other source of water near or in the vicinity of the drainfield.

1545 (c) Special circumstances.—If the system contains pumps,
1546 siphons, or alarms, the following information may be provided at
1547 the request of the homeowner:

1548 1. An assessment of dosing tank integrity, including the
1549 approximate volume and the type of material used in the tank's
1550 construction;



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1551 2. Whether the pump is elevated off the bottom of the
1552 chamber and its operational status;

1553 3. Whether the system has a check valve and purge hole; and

1554 4. Whether the system has a high-water alarm, and if so
1555 whether the alarm is audio or visual or both, the location and
1556 operational condition of the alarm, and whether the electrical
1557 connections to the alarm appear satisfactory.

1558
1559 If the homeowner does not request this information, the
1560 qualified contractor and its employee are not liable for any
1561 damages directly relating from a failure of the system's pumps,
1562 siphons, or alarms. This exclusion of liability must be stated
1563 on the front cover of the report required under paragraph (d).

1564 (d) Assessment procedure.—All evaluation procedures used by
1565 a qualified contractor shall be documented in the environmental
1566 health database of the Department of Health. The qualified
1567 contractor shall provide a copy of a written, signed evaluation
1568 report to the property owner upon completion of the evaluation
1569 and to the county health department within 30 days after the
1570 evaluation. The report shall contain the name and license number
1571 of the company providing the report. A copy of the evaluation
1572 report shall be retained by the local county health department
1573 for a minimum of 5 years and until a subsequent inspection
1574 report is filed. The front cover of the report must identify any
1575 system failure and include a clear and conspicuous notice to the
1576 owner that the owner has a right to have any remediation of the
1577 failure performed by a qualified contractor other than the
1578 contractor performing the evaluation. The report must further
1579 identify any crack, leak, improper fit, or other defect in the



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1580 tank, manhole, or lid, and any other damaged or missing
1581 component; any sewage or effluent visible on the ground or
1582 discharging to a ditch or other surface water body; any
1583 downspout, stormwater, or other source of water directed onto or
1584 toward the system; and any other maintenance need or condition
1585 of the system at the time of the evaluation which, in the
1586 opinion of the qualified contractor, would possibly interfere
1587 with or restrict any future repair or modification to the
1588 existing system. The report shall conclude with an overall
1589 assessment of the fundamental operational condition of the
1590 system.

1591 (8) The county health department shall administer any
1592 evaluation program on behalf of a county, or a municipality
1593 within the county, that has adopted an evaluation program
1594 pursuant to this section. In order to administer the evaluation
1595 program, the county or municipality, in consultation with the
1596 county health department, may develop a reasonable fee schedule
1597 to be used solely to pay for the costs of administering the
1598 evaluation program. Such a fee schedule shall be identified in
1599 the ordinance that adopts the evaluation program. When arriving
1600 at a reasonable fee schedule, the estimated annual revenues to
1601 be derived from fees may not exceed reasonable estimated annual
1602 costs of the program. Fees shall be assessed to the system owner
1603 during an inspection and separately identified on the invoice of
1604 the qualified contractor. Fees shall be remitted by the
1605 qualified contractor to the county health department. The county
1606 health department's administrative responsibilities include the
1607 following:

1608 (a) Providing a notice to the system owner at least 60 days



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1609 before the system is due for an evaluation. The notice may
1610 include information on the proper maintenance of onsite sewage
1611 treatment and disposal systems.

1612 (b) In consultation with the Department of Health,
1613 providing uniform disciplinary procedures and penalties for
1614 qualified contractors who do not comply with the requirements of
1615 the adopted ordinance, including, but not limited to, failure to
1616 provide the evaluation report as required in this subsection to
1617 the system owner and the county health department. Only the
1618 county health department may assess penalties against system
1619 owners for failure to comply with the adopted ordinance,
1620 consistent with existing requirements of law.

1621 (9) (a) A county or municipality that adopts an onsite
1622 sewage treatment and disposal system evaluation and assessment
1623 program pursuant to this section shall notify the Secretary of
1624 Environmental Protection, the Department of Health, and the
1625 applicable county health department upon the adoption of its
1626 ordinance establishing the program.

1627 (b) Upon receipt of the notice under paragraph (a), the
1628 Department of Environmental Protection shall, within existing
1629 resources, notify the county or municipality of the potential
1630 use of, and access to, program funds under the Clean Water State
1631 Revolving Fund or s. 319 of the Clean Water Act, provide
1632 guidance in the application process to receive such moneys, and
1633 provide advice and technical assistance to the county or
1634 municipality on how to establish a low-interest revolving loan
1635 program or how to model a revolving loan program after the low-
1636 interest loan program of the Clean Water State Revolving Fund.
1637 This paragraph does not obligate the Department of Environmental



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1638 Protection to provide any county or municipality with money to
1639 fund such programs.

1640 (c) The Department of Health may not adopt any rule that
1641 alters the provisions of this section.

1642 (d) The Department of Health must allow county health
1643 departments and qualified contractors access to the
1644 environmental health database to track relevant information and
1645 assimilate data from assessment and evaluation reports of the
1646 overall condition of onsite sewage treatment and disposal
1647 systems. The environmental health database must be used by
1648 contractors to report each service and evaluation event and by a
1649 county health department to notify owners of onsite sewage
1650 treatment and disposal systems when evaluations are due. Data
1651 and information must be recorded and updated as service and
1652 evaluations are conducted and reported.

1653 (10) This section does not:

1654 (a) Limit county and municipal home rule authority to act
1655 outside the scope of the evaluation and assessment program set
1656 forth in this section;

1657 (b) Repeal or affect any other law relating to the subject
1658 matter of onsite sewage treatment and disposal systems; or

1659 (c) Prohibit a county or municipality from:

1660 1. Enforcing existing ordinances or adopting new ordinances
1661 relating to onsite sewage treatment facilities to address public
1662 health and safety if such ordinances do not repeal, suspend, or
1663 alter the requirements or limitations of this section.

1664 2. Adopting local environmental and pollution abatement
1665 ordinances for water quality improvement as provided for by law
1666 if such ordinances do not repeal, suspend, or alter the



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1667 requirements or limitations of this section.

1668 3. Exercising its independent and existing authority to
1669 meet the requirements of s. 381.0065.

1670 Section 34. Section 381.00656, Florida Statutes, is
1671 repealed.

1672 Section 35. Subsection (2) of section 381.0066, Florida
1673 Statutes, is amended to read:

1674 381.0066 Onsite sewage treatment and disposal systems;
1675 fees.—

1676 (2) The minimum fees in the following fee schedule apply
1677 until changed by rule by the department within the following
1678 limits:

1679 (a) Application review, permit issuance, or system
1680 inspection, including repair of a subsurface, mound, filled, or
1681 other alternative system or permitting of an abandoned system: a
1682 fee of not less than \$25, or more than \$125.

1683 ~~(b) A 5-year evaluation report submitted pursuant to s.~~
1684 ~~381.0065(5): a fee not less than \$15, or more than \$30. At least~~
1685 ~~\$1 and no more than \$5 collected pursuant to this paragraph~~
1686 ~~shall be used to fund a grant program established under s.~~
1687 ~~381.00656.~~

1688 ~~(b)(e)~~ Site evaluation, site reevaluation, evaluation of a
1689 system previously in use, or a per annum septage disposal site
1690 evaluation: a fee of not less than \$40, or more than \$115.

1691 ~~(c)(d)~~ Biennial Operating permit for aerobic treatment
1692 units or performance-based treatment systems: a fee of not more
1693 than \$100.

1694 ~~(d)(e)~~ Annual operating permit for systems located in areas
1695 zoned for industrial manufacturing or equivalent uses or where



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1696 the system is expected to receive wastewater which is not
1697 domestic in nature: a fee of not less than \$150, or more than
1698 \$300.

1699 (e)~~(f)~~ Innovative technology: a fee not to exceed \$25,000.

1700 (f)~~(g)~~ Septage disposal service, septage stabilization
1701 facility, portable or temporary toilet service, tank
1702 manufacturer inspection: a fee of not less than \$25, or more
1703 than \$200, per year.

1704 (g)~~(h)~~ Application for variance: a fee of not less than
1705 \$150, or more than \$300.

1706 (h)~~(i)~~ Annual operating permit for waterless, incinerating,
1707 or organic waste composting toilets: a fee of not less than \$15
1708 ~~\$50~~, or more than \$30 ~~\$150~~.

1709 (i)~~(j)~~ Aerobic treatment unit or performance-based
1710 treatment system maintenance entity permit: a fee of not less
1711 than \$25, or more than \$150, per year.

1712 (j)~~(k)~~ Reinspection fee per visit for site inspection after
1713 system construction approval or for noncompliant system
1714 installation per site visit: a fee of not less than \$25, or more
1715 than \$100.

1716 (k)~~(l)~~ Research: An additional \$5 fee shall be added to
1717 each new system construction permit issued to be used to fund
1718 onsite sewage treatment and disposal system research,
1719 demonstration, and training projects. Five dollars from any
1720 repair permit fee collected under this section shall be used for
1721 funding the hands-on training centers described in s.
1722 381.0065(3)(j).

1723 (l)~~(m)~~ Annual operating permit, including annual inspection
1724 and any required sampling and laboratory analysis of effluent,



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1725 for an engineer-designed performance-based system: a fee of not
1726 less than \$150, or more than \$300.

1727
1728 ~~On or before January 1, 2011, the Surgeon General, after~~
1729 ~~consultation with the Revenue Estimating Conference, shall~~
1730 ~~determine a revenue neutral fee schedule for services provided~~
1731 ~~pursuant to s. 381.0065(5) within the parameters set in~~
1732 ~~paragraph (b). Such determination is not subject to the~~
1733 ~~provisions of chapter 120.~~ The funds collected pursuant to this
1734 subsection must be deposited in a trust fund administered by the
1735 department, to be used for the purposes stated in this section
1736 and ss. 381.0065 and 381.00655.

1737 Section 36. Section 381.0068, Florida Statutes, is amended
1738 to read:

1739 381.0068 Technical review and advisory panel.—

1740 (1) The Department of Health shall, ~~by July 1, 1996,~~
1741 establish and staff a technical review and advisory panel to
1742 assist the department with rule adoption.

1743 (2) The primary purpose of the panel is to assist the
1744 department in rulemaking and decisionmaking by drawing on the
1745 expertise of representatives from several groups that are
1746 affected by onsite sewage treatment and disposal systems. The
1747 panel may also review and comment on any legislation or any
1748 existing or proposed state policy or issue related to onsite
1749 sewage treatment and disposal systems. ~~If requested by the~~
1750 ~~panel, the chair will advise any affected person or member of~~
1751 ~~the Legislature of the panel's position on the legislation or~~
1752 ~~any existing or proposed state policy or issue.~~ The chair may
1753 also take such other action as is appropriate to allow the panel



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1754 to function. At a minimum, the panel shall consist of a soil
1755 scientist; a professional engineer registered in this state who
1756 is recommended by the Florida Engineering Society and who has
1757 work experience in onsite sewage treatment and disposal systems;
1758 two representatives from the home-building industry recommended
1759 by the Florida Home Builders Association, including one who is a
1760 developer in this state who develops lots using onsite sewage
1761 treatment and disposal systems; a representative from the county
1762 health departments who has experience permitting and inspecting
1763 the installation of onsite sewage treatment and disposal systems
1764 in this state; a representative from the real estate industry
1765 who is recommended by the Florida Association of Realtors; a
1766 consumer representative with a science background; two
1767 representatives of the septic tank industry recommended by the
1768 Florida Onsite Wastewater Association, including one who is a
1769 manufacturer of onsite sewage treatment and disposal systems; a
1770 representative from local government who is knowledgeable about
1771 domestic wastewater treatment and who is recommended by the
1772 Florida Association of Counties and the Florida League of
1773 Cities; and a representative from the environmental health
1774 profession who is recommended by the Florida Environmental
1775 Health Association and who is not employed by a county health
1776 department. Members are to be appointed for a term of 2 years.
1777 The panel may also, as needed, be expanded to include ad hoc,
1778 nonvoting representatives who have topic-specific expertise. All
1779 rules proposed by the department which relate to onsite sewage
1780 treatment and disposal systems must be presented to the panel
1781 for review and comment prior to adoption. The panel's position
1782 on proposed rules shall be made a part of the rulemaking record



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1783 that is maintained by the agency. The panel shall select a
1784 chair, who shall serve for a period of 1 year and who shall
1785 direct, coordinate, and execute the duties of the panel. The
1786 panel shall also solicit input from the department's variance
1787 review and advisory committee before submitting any comments to
1788 the department concerning proposed rules. The panel's comments
1789 must include any dissenting points of view concerning proposed
1790 rules. The panel shall hold meetings as it determines necessary
1791 to conduct its business, except that the chair, a quorum of the
1792 voting members of the panel, or the department may call
1793 meetings. The department shall keep minutes of all meetings of
1794 the panel. Panel members shall serve without remuneration, but,
1795 if requested, shall be reimbursed for per diem and travel
1796 expenses as provided in s. 112.061.

1797 Section 37. Subsection (1) of section 381.0072, Florida
1798 Statutes, is amended to read:

1799 381.0072 Food service protection.—It shall be the duty of
1800 the Department of Health to adopt and enforce sanitation rules
1801 consistent with law to ensure the protection of the public from
1802 food-borne illness. These rules shall provide the standards and
1803 requirements for the storage, preparation, serving, or display
1804 of food in food service establishments as defined in this
1805 section and which are not permitted or licensed under chapter
1806 500 or chapter 509.

1807 (1) DEFINITIONS.—As used in this section, the term:

1808 (a) "Department" means the Department of Health or its
1809 representative county health department.

1810 (b) "Food service establishment" means detention
1811 facilities, public or private schools, migrant labor camps,



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1812 assisted living facilities, facilities participating in the
1813 United States Department of Agriculture Afterschool Meal Program
1814 that are located at a facility or site that is not inspected by
1815 another state agency for compliance with sanitation standards,
1816 adult family-care homes, adult day care centers, short-term
1817 residential treatment centers, residential treatment facilities,
1818 homes for special services, transitional living facilities,
1819 crisis stabilization units, hospices, prescribed pediatric
1820 extended care centers, intermediate care facilities for persons
1821 with developmental disabilities, boarding schools, civic or
1822 fraternal organizations, bars and lounges, vending machines that
1823 dispense potentially hazardous foods at facilities expressly
1824 named in this paragraph, and facilities used as temporary food
1825 events or mobile food units at any facility expressly named in
1826 this paragraph, where food is prepared and intended for
1827 individual portion service, including the site at which
1828 individual portions are provided, regardless of whether
1829 consumption is on or off the premises and regardless of whether
1830 there is a charge for the food. The term does not include any
1831 entity not expressly named in this paragraph; nor does the term
1832 include a domestic violence center certified and monitored by
1833 the Department of Children and Family Services under part XII of
1834 chapter 39 if the center does not prepare and serve food to its
1835 residents and does not advertise food or drink for public
1836 consumption.

1837 (c) "Operator" means the owner, operator, keeper,
1838 proprietor, lessee, manager, assistant manager, agent, or
1839 employee of a food service establishment.

1840 Section 38. Section 381.00781, Florida Statutes, is amended



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1841 to read:

1842 381.00781 Fees; disposition.-

1843 ~~(1)~~ The department shall establish by rule the following
1844 fees:

1845 (1)~~(a)~~ Fee For the initial licensure of a tattoo
1846 establishment and the renewal of such license, a fee which,
1847 ~~except as provided in subsection (2),~~ may not to exceed \$250 per
1848 year.

1849 (2)~~(b)~~ Fee For licensure of a temporary establishment, a
1850 fee which, ~~except as provided in subsection (2),~~ may not to
1851 exceed \$250.

1852 (3)~~(c)~~ Fee For the initial licensure of a tattoo artist and
1853 the renewal of such license, a fee which, ~~except as provided in~~
1854 ~~subsection (2),~~ may not to exceed \$150 per year.

1855 (3)~~(d)~~ Fee For registration or reregistration of a guest
1856 tattoo artist, a fee which, ~~except as provided in subsection~~
1857 ~~(2),~~ may not to exceed \$45.

1858 (4)~~(e)~~ Fee For reactivation of an inactive tattoo
1859 establishment license or tattoo artist license. A license
1860 becomes inactive if it is not renewed before the expiration of
1861 the current license.

1862 ~~(2) The department may annually adjust the maximum fees~~
1863 ~~authorized under subsection (1) according to the rate of~~
1864 ~~inflation or deflation indicated by the Consumer Price Index for~~
1865 ~~All Urban Consumers, U.S. City Average, All Items, as reported~~
1866 ~~by the United States Department of Labor.~~

1867 Section 39. Subsections (1) and (4) of section 381.0086,
1868 Florida Statutes, are amended to read:

1869 381.0086 Rules; variances; penalties.-



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1870 (1) The department shall adopt rules necessary to protect
1871 the health and safety of migrant farmworkers and other migrant
1872 labor camp or residential migrant housing occupants, including
1873 rules governing field sanitation facilities. These rules must
1874 include definitions of terms, a process for provisions relating
1875 ~~to~~ plan review of the construction of new, expanded, or
1876 remodeled camps or residential migrant housing, sites, buildings
1877 and structures; and standards for personal hygiene facilities,
1878 lighting, sewage disposal, safety, minimum living space per
1879 occupant, bedding, food equipment, food storage and preparation,
1880 insect and rodent control, garbage, heating equipment, water
1881 supply, maintenance and operation of the camp, housing, or
1882 roads, and such other matters as the department finds to be
1883 appropriate or necessary to protect the life and health of the
1884 occupants. Housing operated by a public housing authority is
1885 exempt from the provisions of any administrative rule that
1886 conflicts with or is more stringent than the federal standards
1887 applicable to the housing.

1888 (4) A person who violates any provision of ss. 381.008-
1889 381.00895 or rules adopted under such sections is subject either
1890 to the penalties provided in ss. 381.0012, ~~381.0025,~~ and
1891 381.0061 or to the penalties provided in s. 381.0087.

1892 Section 40. Subsections (1) and (7) of section 381.0098,
1893 Florida Statutes, are amended to read:

1894 381.0098 Biomedical waste.-

1895 (1) LEGISLATIVE INTENT. ~~It is the intent of the Legislature~~
1896 ~~to protect the public health by establishing standards for the~~
1897 ~~safe packaging, transport, storage, treatment, and disposal of~~
1898 ~~biomedical waste.~~ Except as otherwise provided herein, the



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1899 Department of Health shall regulate the packaging, transport,
1900 storage, and treatment of biomedical waste. The Department of
1901 Environmental Protection shall regulate onsite and offsite
1902 incineration and disposal of biomedical waste. Consistent with
1903 the foregoing, the Department of Health shall have the exclusive
1904 authority to establish treatment efficacy standards for
1905 biomedical waste and the Department of Environmental Protection
1906 shall have the exclusive authority to establish statewide
1907 standards relating to environmental impacts, if any, of
1908 treatment and disposal including, but not limited to, water
1909 discharges and air emissions. An interagency agreement between
1910 the Department of Environmental Protection and the Department of
1911 Health shall be developed to ensure maximum efficiency in
1912 coordinating, administering, and regulating biomedical wastes.

1913 (7) ENFORCEMENT AND PENALTIES.—Any person or public body in
1914 violation of this section or rules adopted under this section is
1915 subject to penalties provided in ss. 381.0012, ~~381.0025~~, and
1916 381.0061. However, an administrative fine not to exceed \$2,500
1917 may be imposed for each day such person or public body is in
1918 violation of this section. The department may deny, suspend, or
1919 revoke any biomedical waste permit or registration if the
1920 permittee violates this section, any rule adopted under this
1921 section, or any lawful order of the department.

1922 Section 41. Subsections (2) through (8) of section
1923 381.0101, Florida Statutes, are renumbered as subsection (1)
1924 through (7), respectively, and present subsections (1), (3), and
1925 (4) and paragraph (a) of present subsection (5) of that section
1926 are amended to read:

1927 381.0101 Environmental health professionals.—



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1928 ~~(1) LEGISLATIVE INTENT.—Persons responsible for providing~~
1929 ~~technical and scientific evaluations of environmental health and~~
1930 ~~sanitary conditions in business establishments and communities~~
1931 ~~throughout the state may create a danger to the public health if~~
1932 ~~they are not skilled or competent to perform such evaluations.~~
1933 ~~The public relies on the judgment of environmental health~~
1934 ~~professionals employed by both government agencies and~~
1935 ~~industries to assure them that environmental hazards are~~
1936 ~~identified and removed before they endanger the health or safety~~
1937 ~~of the public. The purpose of this section is to assure the~~
1938 ~~public that persons specifically responsible for performing~~
1939 ~~environmental health and sanitary evaluations have been~~
1940 ~~certified by examination as competent to perform such work.~~

1941 ~~(2)~~(3) CERTIFICATION REQUIRED.—~~A~~ No person may not ~~shall~~
1942 perform environmental health or sanitary evaluations in any
1943 primary program area of environmental health without being
1944 certified by the department as competent to perform such
1945 evaluations. This section does not apply to:

1946 (a) Persons performing inspections of public food service
1947 establishments licensed under chapter 509; or

1948 (b) Persons performing site evaluations in order to
1949 determine proper placement and installation of onsite wastewater
1950 treatment and disposal systems who have successfully completed a
1951 department-approved soils morphology course and who are working
1952 under the direct responsible charge of an engineer licensed
1953 under chapter 471.

1954 ~~(3)~~(4) ENVIRONMENTAL HEALTH PROFESSIONALS ADVISORY BOARD.—
1955 The State Health Officer shall appoint an advisory board to
1956 assist the department in the promulgation of rules for



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1957 certification, testing, establishing standards, and seeking
1958 enforcement actions against certified professionals.

1959 (a) The board shall be comprised of the State Surgeon
1960 General Division Director for Environmental Health or his or her
1961 designee, one individual who will be certified under this
1962 section, one individual not employed in a governmental capacity
1963 who will or does employ a certified environmental health
1964 professional, one individual whose business is or will be
1965 evaluated by a certified environmental health professional, a
1966 citizen of the state who neither employs nor is routinely
1967 evaluated by a person certified under this section.

1968 (b) The board shall advise the department as to the minimum
1969 disciplinary guidelines and standards of competency and
1970 proficiency necessary to obtain certification in a primary area
1971 of environmental health practice.

1972 1. The board shall recommend primary areas of environmental
1973 health practice in which environmental health professionals
1974 should be required to obtain certification.

1975 2. The board shall recommend minimum standards of practice
1976 which the department shall incorporate into rule.

1977 3. The board shall evaluate and recommend to the department
1978 existing registrations and certifications which meet or exceed
1979 minimum department standards and should, therefore, exempt
1980 holders of such certificates or registrations from compliance
1981 with this section.

1982 4. The board shall hear appeals of certificate denials,
1983 revocation, or suspension and shall advise the department as to
1984 the disposition of such an appeal.

1985 5. The board shall meet as often as necessary, but no less



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1986 than semiannually, handle appeals to the department, and conduct
1987 other duties of the board.

1988 6. Members of the board shall receive no compensation but
1989 are entitled to reimbursement for per diem and travel expenses
1990 in accordance with s. 112.061.

1991 (4) ~~(5)~~ STANDARDS FOR CERTIFICATION.—The department shall
1992 adopt rules that establish definitions of terms and minimum
1993 standards of education, training, or experience for those
1994 persons subject to this section. The rules must also address the
1995 process for application, examination, issuance, expiration, and
1996 renewal of certification and ethical standards of practice for
1997 the profession.

1998 (a) Persons employed as environmental health professionals
1999 shall exhibit a knowledge of rules and principles of
2000 environmental and public health law in Florida through
2001 examination. A person may not conduct environmental health
2002 evaluations in a primary program area unless he or she is
2003 currently certified in that program area or works under the
2004 direct supervision of a certified environmental health
2005 professional.

2006 1. All persons who begin employment in a primary
2007 environmental health program on or after September 21, 1994,
2008 must be certified in that program within 6 months after
2009 employment.

2010 2. Persons employed in the primary environmental health
2011 program of a food protection program or an onsite sewage
2012 treatment and disposal system prior to September 21, 1994, shall
2013 be considered certified while employed in that position and
2014 shall be required to adhere to any professional standards



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2015 established by the department pursuant to paragraph (b),
2016 complete any continuing education requirements imposed under
2017 paragraph (d), and pay the certificate renewal fee imposed under
2018 subsection (6) ~~(7)~~.

2019 3. Persons employed in the primary environmental health
2020 program of a food protection program or an onsite sewage
2021 treatment and disposal system prior to September 21, 1994, who
2022 change positions or program areas and transfer into another
2023 primary environmental health program area on or after September
2024 21, 1994, must be certified in that program within 6 months
2025 after such transfer, except that they will not be required to
2026 possess the college degree required under paragraph (e).

2027 4. Registered sanitarians shall be considered certified and
2028 shall be required to adhere to any professional standards
2029 established by the department pursuant to paragraph (b).

2030 Section 42. Section 381.0203, Florida Statutes, is amended
2031 to read:

2032 381.0203 Pharmacy services.—

2033 (1) The department may contract on a statewide basis for
2034 the purchase of drugs, as defined in s. 499.003, to be used by
2035 state agencies and political subdivisions, and may adopt rules
2036 to administer this section.

2037 (2) The department shall establish and maintain a pharmacy
2038 services program, including, but not limited to:

2039 (a) A central pharmacy to support pharmaceutical services
2040 provided by the county health departments, including
2041 pharmaceutical repackaging, dispensing, and the purchase and
2042 distribution of immunizations and other pharmaceuticals.

2043 ~~(b) Regulation of drugs, cosmetics, and household products~~



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2044 ~~pursuant to chapter 499.~~
2045 ~~(b)(e)~~ Consultation to county health departments as
2046 required by s. 154.04(1)(c).
2047 ~~(d)~~ A ~~contraception distribution program which shall be~~
2048 ~~implemented, to the extent resources permit, through the~~
2049 ~~licensed pharmacies of county health departments. A woman who is~~
2050 ~~eligible for participation in the contraceptive distribution~~
2051 ~~program is deemed a patient of the county health department.~~
2052 ~~1. To be eligible for participation in the program a woman~~
2053 ~~must:~~
2054 ~~a. Be a client of the department or the Department of~~
2055 ~~Children and Family Services.~~
2056 ~~b. Be of childbearing age with undesired fertility.~~
2057 ~~c. Have an income between 150 and 200 percent of the~~
2058 ~~federal poverty level.~~
2059 ~~d. Have no Medicaid benefits or applicable health insurance~~
2060 ~~benefits.~~
2061 ~~e. Have had a medical examination by a licensed health care~~
2062 ~~provider within the past 6 months.~~
2063 ~~f. Have a valid prescription for contraceptives that are~~
2064 ~~available through the contraceptive distribution program.~~
2065 ~~g. Consent to the release of necessary medical information~~
2066 ~~to the county health department.~~
2067 ~~2. Fees charged for the contraceptives under the program~~
2068 ~~must cover the cost of purchasing and providing contraceptives~~
2069 ~~to women participating in the program.~~
2070 ~~3. The department may adopt rules to administer this~~
2071 ~~program.~~
2072 Section 43. Subsection (1) of section 381.0261, Florida



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2073 Statutes, is amended to read:

2074 381.0261 Summary of patient's bill of rights; distribution;
2075 penalty.-

2076 (1) The Department of Health shall publish on its Internet
2077 website ~~Agency for Health Care Administration shall have printed~~
2078 ~~and made continuously available to health care facilities~~
2079 ~~licensed under chapter 395, physicians licensed under chapter~~
2080 ~~458, osteopathic physicians licensed under chapter 459, and~~
2081 ~~pediatric physicians licensed under chapter 461~~ a summary of the
2082 Florida Patient's Bill of Rights and Responsibilities. In
2083 adopting and making available to patients the summary of the
2084 Florida Patient's Bill of Rights and Responsibilities, health
2085 care providers and health care facilities are not limited to the
2086 format in which the department publishes ~~Agency for Health Care~~
2087 ~~Administration prints and distributes~~ the summary.

2088 Section 44. Section 381.0301, Florida Statutes, is
2089 repealed.

2090 Section 45. Section 381.0302, Florida Statutes, is
2091 repealed.

2092 Section 46. Subsection (5) of section 381.0303, Florida
2093 Statutes, is amended to read:

2094 381.0303 Special needs shelters.-

2095 (5) SPECIAL NEEDS SHELTER INTERAGENCY COMMITTEE.-The State
2096 Surgeon General may establish a special needs shelter
2097 interagency committee and serve as, or appoint a designee to
2098 serve as, the committee's chair. The department shall provide
2099 any necessary staff and resources to support the committee in
2100 the performance of its duties. The committee shall address and
2101 resolve problems related to special needs shelters not addressed



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2102 in the state comprehensive emergency medical plan and shall
2103 consult on the planning and operation of special needs shelters.

2104 (a) The committee shall~~+~~

2105 ~~1.~~ develop, negotiate, and regularly review any necessary
2106 interagency agreements, and~~-~~

2107 ~~2.~~ undertake other such activities as the department deems
2108 necessary to facilitate the implementation of this section.

2109 ~~3. Submit recommendations to the Legislature as necessary.~~

2110 (b) The special needs shelter interagency committee shall
2111 be composed of representatives of emergency management, health,
2112 medical, and social services organizations. Membership shall
2113 include, but shall not be limited to, representatives of the
2114 Departments of Health, Children and Family Services, Elderly
2115 Affairs, and Education; the Agency for Health Care
2116 Administration; the Division of Emergency Management; the
2117 Florida Medical Association; the Florida Osteopathic Medical
2118 Association; Associated Home Health Industries of Florida, Inc.;
2119 the Florida Nurses Association; the Florida Health Care
2120 Association; the Florida Assisted Living Affiliation; the
2121 Florida Hospital Association; the Florida Statutory Teaching
2122 Hospital Council; the Florida Association of Homes for the
2123 Aging; the Florida Emergency Preparedness Association; the
2124 American Red Cross; Florida Hospices and Palliative Care, Inc.;
2125 the Association of Community Hospitals and Health Systems; the
2126 Florida Association of Health Maintenance Organizations; the
2127 Florida League of Health Systems; the Private Care Association;
2128 the Salvation Army; the Florida Association of Aging Services
2129 Providers; the AARP; and the Florida Renal Coalition.

2130 (c) Meetings of the committee shall be held in Tallahassee,



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2131 and members of the committee shall serve at the expense of the
2132 agencies or organizations they represent. The committee shall
2133 make every effort to use teleconference or videoconference
2134 capabilities in order to ensure statewide input and
2135 participation.

2136 Section 47. Section 381.04015, Florida Statutes, is
2137 repealed.

2138 Section 48. Subsections (2), (3), and (4) of section
2139 381.0403, Florida Statutes, are amended to read:

2140 381.0403 The Community Hospital Education Act.—

2141 (2) ESTABLISHMENT OF PROGRAM ~~LEGISLATIVE INTENT.~~—

2142 ~~(a) It is the intent of the Legislature that health care~~
2143 ~~services for the citizens of this state be upgraded and that a~~
2144 ~~program for continuing these services be maintained through a~~
2145 ~~plan for community medical education. The A program is intended~~
2146 ~~established to plan for community medical education, provide~~
2147 ~~additional outpatient and inpatient services, increase the a~~
2148 ~~continuing supply of highly trained physicians, and expand~~
2149 ~~graduate medical education.~~

2150 ~~(b) The Legislature further acknowledges the critical need~~
2151 ~~for increased numbers of primary care physicians to provide the~~
2152 ~~necessary current and projected health and medical services. In~~
2153 ~~order to meet both present and anticipated needs, the~~
2154 ~~Legislature supports an expansion in the number of family~~
2155 ~~practice residency positions. The Legislature intends that the~~
2156 ~~funding for graduate education in family practice be maintained~~
2157 ~~and that funding for all primary care specialties be provided at~~
2158 ~~a minimum of \$10,000 per resident per year. Should funding for~~
2159 ~~this act remain constant or be reduced, it is intended that all~~



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2160 ~~programs funded by this act be maintained or reduced~~
2161 ~~proportionately.~~

2162 (3) PROGRAM FOR COMMUNITY HOSPITAL EDUCATION; STATE AND
2163 LOCAL PLANNING.—

2164 (a) ~~There is established under the Department of Health a~~
2165 ~~program for statewide graduate medical education. It is intended~~
2166 ~~that continuing graduate medical education programs for interns~~
2167 ~~and residents be established on a statewide basis. The program~~
2168 shall provide financial support for primary care specialty
2169 interns and residents based on recommendations of policies
2170 ~~recommended and approved by~~ the Community Hospital Education
2171 Council, herein established, and the Department of Health, as
2172 authorized by the General Appropriations Act. Only those
2173 programs with at least three residents or interns in each year
2174 of the training program are qualified to apply for financial
2175 support. Programs with fewer than three residents or interns per
2176 training year are qualified to apply for financial support, but
2177 only if the appropriate accrediting entity for the particular
2178 specialty has approved the program for fewer positions. New
2179 ~~programs added after fiscal year 1997-1998~~ shall have 5 years to
2180 attain the requisite number of residents or interns. When
2181 feasible and to the extent allowed through the General
2182 Appropriations Act, state funds shall be used to generate
2183 federal matching funds under Medicaid, or other federal
2184 programs, and the resulting combined state and federal funds
2185 shall be allocated to participating hospitals for the support of
2186 graduate medical education.

2187 (b) For the purposes of this section, primary care
2188 specialties include emergency medicine, family practice,



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2189 internal medicine, pediatrics, psychiatry,
2190 obstetrics/gynecology, and combined pediatrics and internal
2191 medicine, and other primary care specialties as may be included
2192 by the council and Department of Health.

2193 (c) Medical institutions throughout the state may apply to
2194 the Community Hospital Education Council for grants-in-aid for
2195 financial support of their approved programs. Recommendations
2196 for funding of approved programs shall be forwarded to the
2197 Department of Health.

2198 (d) The program shall provide a plan for community clinical
2199 teaching and training with the cooperation of the medical
2200 profession, hospitals, and clinics. The plan shall also include
2201 formal teaching opportunities for intern and resident training.
2202 In addition, the plan shall establish an off-campus medical
2203 faculty with university faculty review to be located throughout
2204 the state in local communities.

2205 (4) PROGRAM FOR GRADUATE MEDICAL EDUCATION INNOVATIONS.—

2206 (a) There is established under the Department of Health a
2207 program for fostering graduate medical education innovations.
2208 Funds appropriated annually by the Legislature for this purpose
2209 shall be distributed to participating hospitals or consortia of
2210 participating hospitals and Florida medical schools or to a
2211 Florida medical school for the direct costs of providing
2212 graduate medical education in community-based clinical settings
2213 on a competitive grant or formula basis to achieve state health
2214 care workforce policy objectives, including, but not limited to:

- 2215 1. Increasing the number of residents in primary care and
2216 other high demand specialties or fellowships;
2217 2. Enhancing retention of primary care physicians in



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2218 Florida practice;

2219 3. Promoting practice in medically underserved areas of the
2220 state;

2221 4. Encouraging racial and ethnic diversity within the
2222 state's physician workforce; and

2223 5. Encouraging increased production of geriatricians.

2224 (b) Participating hospitals or consortia of participating
2225 hospitals and Florida medical schools or a Florida medical
2226 school providing graduate medical education in community-based
2227 clinical settings may apply to the Community Hospital Education
2228 Council for funding under this innovations program, except when
2229 such innovations directly compete with services or programs
2230 provided by participating hospitals or consortia of
2231 participating hospitals, or by both hospitals and consortia.
2232 Innovations program funding shall be allocated ~~provide funding~~
2233 based on recommendations of ~~policies recommended and approved by~~
2234 the Community Hospital Education Council and the Department of
2235 Health, as authorized by the General Appropriations Act.

2236 (c) Participating hospitals or consortia of participating
2237 hospitals and Florida medical schools or Florida medical schools
2238 awarded an innovations grant shall provide the Community
2239 Hospital Education Council and Department of Health with an
2240 annual report on their project.

2241 Section 49. Subsection (7) of section 381.0405, Florida
2242 Statutes, is amended to read:

2243 381.0405 Office of Rural Health.—

2244 ~~(7) APPROPRIATION. The Legislature shall appropriate such~~
2245 ~~sums as are necessary to support the Office of Rural Health.~~

2246 Section 50. Subsection (3) of section 381.0406, Florida



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2247 Statutes, is amended to read:

2248 381.0406 Rural health networks.—

2249 (3) ~~Because each rural area is unique, with a different~~
2250 ~~health care provider mix,~~ Health care provider membership may
2251 vary, but all networks shall include members that provide public
2252 health, comprehensive primary care, emergency medical care, and
2253 acute inpatient care.

2254 Section 51. Effective October 1, 2014, section 381.0407,
2255 Florida Statutes, is repealed.

2256 Section 52. Section 381.045, Florida Statutes, is repealed.

2257 Section 53. Subsection (7) of section 381.06015, Florida
2258 Statutes, is amended to read:

2259 381.06015 Public Cord Blood Tissue Bank.—

2260 ~~(7) In order to fund the provisions of this section the~~
2261 ~~consortium participants, the Agency for Health Care~~
2262 ~~Administration, and the Department of Health shall seek private~~
2263 ~~or federal funds to initiate program actions for fiscal year~~
2264 ~~2000-2001.~~

2265 Section 54. Section 381.0605, Florida Statutes, is
2266 repealed.

2267 Section 55. Sections 381.1001, 381.1015, 381.102, and
2268 381.103, Florida Statutes, are repealed.

2269 Section 56. Subsections (3) through (5) of section
2270 381.4018, Florida Statutes, are renumbered as subsections (2)
2271 through (4), respectively, and present subsection (2) and
2272 paragraph (f) of present subsection (4) of that section are
2273 amended to read:

2274 381.4018 Physician workforce assessment and development.—

2275 ~~(2) LEGISLATIVE INTENT. The Legislature recognizes that~~



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2276 ~~physician workforce planning is an essential component of~~
2277 ~~ensuring that there is an adequate and appropriate supply of~~
2278 ~~well-trained physicians to meet this state's future health care~~
2279 ~~service needs as the general population and elderly population~~
2280 ~~of the state increase. The Legislature finds that items to~~
2281 ~~consider relative to assessing the physician workforce may~~
2282 ~~include physician practice status; specialty mix; geographic~~
2283 ~~distribution; demographic information, including, but not~~
2284 ~~limited to, age, gender, race, and cultural considerations; and~~
2285 ~~needs of current or projected medically underserved areas in the~~
2286 ~~state. Long-term strategic planning is essential as the period~~
2287 ~~from the time a medical student enters medical school to~~
2288 ~~completion of graduate medical education may range from 7 to 10~~
2289 ~~years or longer. The Legislature recognizes that strategies to~~
2290 ~~provide for a well-trained supply of physicians must include~~
2291 ~~ensuring the availability and capacity of quality medical~~
2292 ~~schools and graduate medical education programs in this state,~~
2293 ~~as well as using new or existing state and federal programs~~
2294 ~~providing incentives for physicians to practice in needed~~
2295 ~~specialties and in underserved areas in a manner that addresses~~
2296 ~~projected needs for physician manpower.~~

2297 (3)~~(4)~~ GENERAL FUNCTIONS.—The department shall maximize the
2298 use of existing programs under the jurisdiction of the
2299 department and other state agencies and coordinate governmental
2300 and nongovernmental stakeholders and resources in order to
2301 develop a state strategic plan and assess the implementation of
2302 such strategic plan. In developing the state strategic plan, the
2303 department shall:

2304 (f) Develop strategies to maximize federal and state



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2305 programs that provide for the use of incentives to attract
2306 physicians to this state or retain physicians within the state.
2307 Such strategies should explore and maximize federal-state
2308 partnerships that provide incentives for physicians to practice
2309 in federally designated shortage areas. Strategies shall also
2310 consider the use of state programs, such as the ~~Florida Health~~
2311 ~~Service Corps established pursuant to s. 381.0302~~ and the
2312 Medical Education Reimbursement and Loan Repayment Program
2313 pursuant to s. 1009.65, which provide for education loan
2314 repayment or loan forgiveness and provide monetary incentives
2315 for physicians to relocate to underserved areas of the state.

2316 Section 57. Section 381.60225, Florida Statutes, is
2317 repealed.

2318 Section 58. Sections 381.732, 381.733, and 381.734, Florida
2319 Statutes, are repealed.

2320 Section 59. Section 381.7352, Florida Statutes, is amended
2321 to read:

2322 381.7352 Legislative findings and intent.-

2323 ~~(1) The Legislature finds that despite state investments in~~
2324 ~~health care programs, certain racial and ethnic populations in~~
2325 ~~Florida continue to have significantly poorer health outcomes~~
2326 ~~when compared to non-Hispanic whites. The Legislature finds that~~
2327 ~~local solutions to health care problems can have a dramatic and~~
2328 ~~positive effect on the health status of these populations. Local~~
2329 ~~governments and communities are best equipped to identify the~~
2330 ~~health education, health promotion, and disease prevention needs~~
2331 ~~of the racial and ethnic populations in their communities,~~
2332 ~~mobilize the community to address health outcome disparities,~~
2333 ~~enlist and organize local public and private resources, and~~



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2334 ~~faith-based organizations to address these disparities, and~~
2335 ~~evaluate the effectiveness of interventions.~~

2336 (2) It is therefore the intent of the Legislature to
2337 provide funds within Florida counties and Front Porch Florida
2338 Communities, in the form of Reducing Racial and Ethnic Health
2339 Disparities: Closing the Gap grants, to stimulate the
2340 development of community-based and neighborhood-based projects
2341 which will improve the health outcomes of racial and ethnic
2342 populations. Further, it is the intent of the Legislature that
2343 these programs foster the development of coordinated,
2344 collaborative, and broad-based participation by public and
2345 private entities, and faith-based organizations. Finally, it is
2346 the intent of the Legislature that the grant program function as
2347 a partnership between state and local governments, faith-based
2348 organizations, and private sector health care providers,
2349 including managed care, voluntary health care resources, social
2350 service providers, and nontraditional partners.

2351 Section 60. Subsection (3) of section 381.7353, Florida
2352 Statutes, is amended to read:

2353 381.7353 Reducing Racial and Ethnic Health Disparities:
2354 Closing the Gap grant program; administration; department
2355 duties.—

2356 ~~(3) Pursuant to s. 20.43(6), the State Surgeon General may~~
2357 ~~appoint an ad hoc advisory committee to: examine areas where~~
2358 ~~public awareness, public education, research, and coordination~~
2359 ~~regarding racial and ethnic health outcome disparities are~~
2360 ~~lacking; consider access and transportation issues which~~
2361 ~~contribute to health status disparities; and make~~
2362 ~~recommendations for closing gaps in health outcomes and~~



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2363 ~~increasing the public's awareness and understanding of health~~
2364 ~~disparities that exist between racial and ethnic populations.~~

2365 Section 61. Subsections (5) and (6) of section 381.7356,
2366 Florida Statutes, are renumbered as subsections (4) and (5),
2367 respectively, and present subsection (4) of that section is
2368 amended to read:

2369 381.7356 Local matching funds; grant awards.—

2370 ~~(4) Dissemination of grant awards shall begin no later than~~
2371 ~~January 1, 2001.~~

2372 Section 62. Subsection (3) of section 381.765, Florida
2373 Statutes, is amended to read:

2374 381.765 Retention of title to and disposal of equipment.—

2375 ~~(3) The department may adopt rules relating to records and~~
2376 ~~recordkeeping for department-owned property referenced in~~
2377 ~~subsections (1) and (2).~~

2378 Section 63. Section 381.77, Florida Statutes, is repealed.

2379 Section 64. Section 381.795, Florida Statutes, is repealed.

2380 Section 65. Subsections (2) through (5) of section 381.853,
2381 Florida Statutes, are renumbered as subsections (1) through (4),
2382 respectively, and present subsection (1) of that section is
2383 amended to read:

2384 381.853 Florida Center for Brain Tumor Research.—

2385 ~~(1) The Legislature finds that each year an estimated~~
2386 ~~190,000 citizens of the United States are diagnosed with~~
2387 ~~cancerous and noncancerous brain tumors and that biomedical~~
2388 ~~research is the key to finding cures for these tumors. The~~
2389 ~~Legislature further finds that, although brain tumor research is~~
2390 ~~being conducted throughout the state, there is a lack of~~
2391 ~~coordinated efforts among researchers and health care providers.~~



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2392 ~~Therefore, the Legislature finds that there is a significant~~
2393 ~~need for a coordinated effort to achieve the goal of curing~~
2394 ~~brain tumors. The Legislature further finds that the biomedical~~
2395 ~~technology sector meets the criteria of a high-impact sector,~~
2396 ~~pursuant to s. 288.108(6), having a high importance to the~~
2397 ~~state's economy with a significant potential for growth and~~
2398 ~~contribution to our universities and quality of life.~~

2399 Section 66. Section 381.855, Florida Statutes, is repealed.

2400 Section 67. Section 381.87, Florida Statutes, is repealed.

2401 Section 68. Section 381.90, Florida Statutes, is repealed.

2402 Section 69. Subsection (1) of section 381.91, Florida
2403 Statutes, is amended to read:

2404 381.91 Jessie Trice Cancer Prevention Program.—

2405 (1) It is the intent of the Legislature to:

2406 ~~(a) Reduce the rates of illness and death from lung cancer~~
2407 ~~and other cancers and improve the quality of life among low-~~
2408 ~~income African American and Hispanic populations through~~
2409 ~~increased access to early, effective screening and diagnosis,~~
2410 ~~education, and treatment programs.~~

2411 ~~(b) create a community faith-based disease-prevention~~
2412 ~~program in conjunction with the Health Choice Network and other~~
2413 ~~community health centers to build upon the natural referral and~~
2414 ~~education networks in place within minority communities and to~~
2415 ~~increase access to health service delivery in Florida and-~~

2416 ~~(c) establish a funding source to build upon local private~~
2417 ~~participation to sustain the operation of the program.~~

2418 Section 70. Subsection (5) of section 381.922, Florida
2419 Statutes, is amended to read:

2420 381.922 William G. "Bill" Bankhead, Jr., and David Coley



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2421 Cancer Research Program.—

2422 (5) The William G. "Bill" Bankhead, Jr., and David Coley
2423 Cancer Research Program is funded pursuant to s. 215.5602(12).
2424 Funds appropriated for the William G. "Bill" Bankhead, Jr., and
2425 David Coley Cancer Research Program shall be distributed
2426 pursuant to this section to provide grants to researchers
2427 seeking cures for cancer and cancer-related illnesses, with
2428 emphasis given to the goals enumerated in this section. From the
2429 total funds appropriated, an amount of up to 10 percent may be
2430 used for administrative expenses. ~~From funds appropriated to~~
2431 ~~accomplish the goals of this section, up to \$250,000 shall be~~
2432 ~~available for the operating costs of the Florida Center for~~
2433 ~~Universal Research to Eradicate Disease.~~

2434 Section 71. Paragraph (g) of subsection (1) of section
2435 383.011, Florida Statutes, is amended to read:

2436 383.011 Administration of maternal and child health
2437 programs.—

2438 (1) The Department of Health is designated as the state
2439 agency for:

2440 (g) Receiving the federal funds for the "Special
2441 Supplemental Nutrition Program for Women, Infants, and
2442 Children," or WIC, authorized by the Child Nutrition Act of
2443 1966, as amended, and for providing clinical leadership for
2444 ~~administering~~ the statewide WIC program.

2445 1. The department shall establish an interagency agreement
2446 with the Department of Children and Family Services for fiscal
2447 management of the program. Responsibilities are delegated to
2448 each department, as follows:

2449 a. The department shall provide clinical leadership, manage



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2450 program eligibility, and distribute nutritional guidance and
2451 information to participants.

2452 b. The Department of Children and Family Services shall
2453 develop and implement an electronic benefits transfer system.

2454 c. The Department of Children and Family Services shall
2455 develop a cost containment plan that provides timely and
2456 accurate adjustments based on wholesale price fluctuations and
2457 adjusts for the number of cash registers in calculating
2458 statewide averages.

2459 d. The department shall coordinate submission of
2460 information to appropriate federal officials in order to obtain
2461 approval of the electronic benefits system and cost containment
2462 plan, which must include participation of WIC-only stores.

2463 2. The department shall assist the Department of Children
2464 and Family Services in the development of the electronic
2465 benefits system to ensure full implementation no later than July
2466 1, 2013.

2467 Section 72. Section 383.141, Florida Statutes, is created
2468 to read:

2469 383.141 Prenatally diagnosed conditions; patient to be
2470 provided information; definitions; information clearinghouse;
2471 advisory council.-

2472 (1) As used in this section, the term:

2473 (a) "Down syndrome" means a chromosomal disorder caused by
2474 an error in cell division which results in the presence of an
2475 extra whole or partial copy of chromosome 21.

2476 (b) "Developmental disability" includes Down syndrome and
2477 other developmental disabilities defined by s. 393.063(9).

2478 (c) "Health care provider" means a practitioner licensed or



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2479 registered under chapter 458 or chapter 459 or an advanced
2480 registered nurse practitioner certified under chapter 464.

2481 (d) "Prenatally diagnosed condition" means an adverse fetal
2482 health condition identified by prenatal testing.

2483 (e) "Prenatal test" or "prenatal testing" means a
2484 diagnostic procedure or screening procedure performed on a
2485 pregnant woman or her unborn offspring to obtain information
2486 about the offspring's health or development.

2487 (2) When a developmental disability is diagnosed based on
2488 the results of a prenatal test, the health care provider who
2489 ordered the prenatal test, or his or her designee, shall provide
2490 the patient with current information about the nature of the
2491 developmental disability, the accuracy of the prenatal test, and
2492 resources for obtaining relevant support services, including
2493 hotlines, resource centers, and information clearinghouses
2494 related to Down syndrome or other prenatally diagnosed
2495 developmental disabilities; support programs for parents and
2496 families; and developmental evaluation and intervention services
2497 under s. 391.303.

2498 (3) The Department of Health shall establish on its
2499 Internet website a clearinghouse of information related to
2500 developmental disabilities concerning providers of supportive
2501 services, information hotlines specific to Down syndrome and
2502 other prenatally diagnosed developmental disabilities, resource
2503 centers, educational programs, other support programs for
2504 parents and families, and developmental evaluation and
2505 intervention services under s. 391.303. Such information shall
2506 be made available to health care providers for use in counseling
2507 pregnant women whose unborn children have been prenatally



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2508 diagnosed with developmental disabilities.

2509 (a) There is established an advisory council within the
2510 Department of Health which consists of health care providers and
2511 caregivers who perform health care services for persons who have
2512 developmental disabilities, including Down syndrome and autism.
2513 This group shall consist of nine members as follows:

- 2514 1. Three members appointed by the Governor;
2515 2. Three members appointed by the President of the Senate;
2516 and
2517 3. Three members appointed by the Speaker of the House of
2518 Representatives.

2519 (b) The advisory council shall provide technical assistance
2520 to the Department of Health in the establishment of the
2521 information clearinghouse and give the department the benefit of
2522 the council members' knowledge and experience relating to the
2523 needs of patients and families of patients with developmental
2524 disabilities and available support services.

2525 (c) Members of the council shall elect a chairperson and a
2526 vice chairperson. The elected chairperson and vice chairperson
2527 shall serve in these roles until their terms of appointment on
2528 the council expire.

2529 (d) The advisory council shall meet quarterly to review
2530 this clearinghouse of information, and may meet more often at
2531 the call of the chairperson or as determined by a majority of
2532 members.

2533 (e) The council members shall be appointed to 4-year terms,
2534 except that, to provide for staggered terms, one initial
2535 appointee each from the Governor, the President of the Senate,
2536 and the Speaker of the House of Representatives shall be



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2537 appointed to a 2-year term, one appointee each from these
2538 officials shall be appointed to a 3-year term, and the remaining
2539 initial appointees shall be appointed to 4-year terms. All
2540 subsequent appointments shall be for 4-year terms. A vacancy
2541 shall be filled for the remainder of the unexpired term in the
2542 same manner as the original appointment.

2543 (f) Members of the council shall serve without
2544 compensation. Meetings of the council may be held in person,
2545 without reimbursement for travel expenses, or by teleconference
2546 or other electronic means.

2547 (g) The Department of Health shall provide administrative
2548 support for the advisory council.

2549 Section 73. Effective July 1, 2012, section 385.210,
2550 Florida Statutes, is repealed.

2551 Section 74. Section 391.016, Florida Statutes, is amended
2552 to read:

2553 391.016 Purposes and functions ~~Legislative intent.~~—The
2554 ~~Legislature intends that the~~ Children's Medical Services program
2555 ~~is established for the following purposes and authorized to~~
2556 ~~perform the following functions:~~

2557 (1) Provide to children with special health care needs a
2558 family-centered, comprehensive, and coordinated statewide
2559 managed system of care that links community-based health care
2560 with multidisciplinary, regional, and tertiary pediatric
2561 specialty care. The program shall coordinate and maintain a
2562 consistent ~~may provide for the coordination and maintenance of~~
2563 ~~consistency of the~~ medical home for participating children ~~in~~
2564 ~~families with a Children's Medical Services program participant,~~
2565 ~~in order to achieve family-centered care.~~



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2566 (2) Provide essential preventive, evaluative, and early
2567 intervention services for children at risk for or having special
2568 health care needs, in order to prevent or reduce long-term
2569 disabilities.

2570 ~~(3) Serve as a principal provider for children with special~~
2571 ~~health care needs under Titles XIX and XXI of the Social~~
2572 ~~Security Act.~~

2573 ~~(4) Be complementary to children's health training programs~~
2574 ~~essential for the maintenance of a skilled pediatric health care~~
2575 ~~workforce for all Floridians.~~

2576 Section 75. Section 391.021, Florida Statutes, is amended
2577 to read:

2578 391.021 Definitions.—When used in this act, the term ~~unless~~
2579 ~~the context clearly indicates otherwise:~~

2580 (1) "Children's Medical Services network" or "network"
2581 means a statewide managed care service system that includes
2582 health care providers, as defined in this section.

2583 (2) "Children with special health care needs" means those
2584 children younger than 21 years of age who have chronic and
2585 serious physical, developmental, behavioral, or emotional
2586 conditions and who ~~also~~ require health care and related services
2587 of a type or amount beyond that which is generally required by
2588 children.

2589 (3) "Department" means the Department of Health.

2590 (4) "Eligible individual" means a child with a special
2591 health care need or a female with a high-risk pregnancy, who
2592 meets the financial and medical eligibility standards
2593 established in s. 391.029.

2594 (5) "Health care provider" means a health care



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2595 professional, health care facility, or entity licensed or
2596 certified to provide health services in this state that meets
2597 the criteria as established by the department.

2598 (6) "Health services" includes the prevention, diagnosis,
2599 and treatment of human disease, pain, injury, deformity, or
2600 disabling conditions.

2601 (7) "Participant" means an eligible individual who is
2602 enrolled in the Children's Medical Services program.

2603 (8) "Program" means the Children's Medical Services program
2604 established in the department.

2605 Section 76. Section 391.025, Florida Statutes, is amended
2606 to read:

2607 391.025 Applicability and scope.—

2608 (1) The Children's Medical Services program consists of the
2609 following components:

2610 (a) The newborn screening program established in s. 383.14.

2611 (b) The regional perinatal intensive care centers program
2612 established in ss. 383.15-383.21.

2613 ~~(c) A federal or state program authorized by the~~
2614 ~~Legislature.~~

2615 (c)~~(d)~~ The developmental evaluation and intervention
2616 program, including the Florida Infants and Toddlers Early
2617 Intervention Program.

2618 (d)~~(e)~~ The Children's Medical Services network.

2619 (2) The Children's Medical Services program shall not be
2620 deemed an insurer and is not subject to the licensing
2621 requirements of the Florida Insurance Code or the rules adopted
2622 thereunder, ~~when providing services to children who receive~~
2623 ~~Medicaid benefits, other Medicaid-eligible children with special~~



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2624 ~~health care needs, and children participating in the Florida~~
2625 ~~Kidcare program.~~

2626 Section 77. Section 391.026, Florida Statutes, is amended
2627 to read:

2628 391.026 Powers and duties of the department.—The department
2629 shall have the following powers, duties, and responsibilities:

2630 (1) To provide or contract for the provision of health
2631 services to eligible individuals.

2632 (2) To provide services to abused and neglected children
2633 through child protective teams pursuant to s. 39.303.

2634 ~~(3)(2) To determine the medical and financial eligibility~~
2635 ~~standards for the program and to determine the medical and~~
2636 ~~financial eligibility of individuals seeking health services~~
2637 ~~from the program.~~

2638 ~~(3) To recommend priorities for the implementation of~~
2639 ~~comprehensive plans and budgets.~~

2640 (4) To coordinate a comprehensive delivery system for
2641 eligible individuals to take maximum advantage of all available
2642 funds.

2643 (5) To ~~promote, establish, and coordinate~~ with programs
2644 relating to children's medical services in cooperation with
2645 other public and private agencies ~~and to coordinate funding of~~
2646 ~~health care programs with federal, state, or local indigent~~
2647 ~~health care funding mechanisms.~~

2648 (6) To initiate ~~and, coordinate, and request review of~~
2649 applications to federal agencies and private organizations ~~and~~
2650 ~~state agencies~~ for funds, services, or commodities relating to
2651 children's medical programs.

2652 (7) To sponsor or promote grants for projects, programs,



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2653 education, or research in the field of ~~medical needs of~~ children
2654 with special health needs, with an emphasis on early diagnosis
2655 and treatment.

2656 (8) To oversee and operate the Children's Medical Services
2657 network.

2658 (9) To establish reimbursement mechanisms for the
2659 Children's Medical Services network.

2660 (10) To establish Children's Medical Services network
2661 standards and credentialing requirements for health care
2662 providers and health care services.

2663 (11) To serve as a provider and principal case manager for
2664 children with special health care needs under Titles XIX and XXI
2665 of the Social Security Act.

2666 (12) To monitor the provision of health services in the
2667 program, including the utilization and quality of health
2668 services.

2669 (13) To administer the Children with Special Health Care
2670 Needs program in accordance with Title V of the Social Security
2671 Act.

2672 (14) To establish and operate a grievance resolution
2673 process for participants and health care providers.

2674 (15) To maintain program integrity in the Children's
2675 Medical Services program.

2676 (16) To receive and manage health care premiums, capitation
2677 payments, and funds from federal, state, local, and private
2678 entities for the program. The department may contract with a
2679 third-party administrator for processing claims, monitoring
2680 medical expenses, and other related services necessary to the
2681 efficient and cost-effective operation of the Children's Medical



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2682 Services network. The department is authorized to maintain a
2683 minimum reserve for the Children's Medical Services network in
2684 an amount that is the greater of:

2685 (a) Ten percent of total projected expenditures for Title
2686 XIX-funded and Title XXI-funded children; or

2687 (b) Two percent of total annualized payments from the
2688 Agency for Health Care Administration for Title XIX and Title
2689 XXI of the Social Security Act.

2690 (17) To provide or contract for ~~appoint health care~~
2691 ~~consultants for the purpose of providing peer review and other~~
2692 ~~quality-improvement activities making recommendations to enhance~~
2693 ~~the delivery and quality of services in the Children's Medical~~
2694 ~~Services program.~~

2695 (18) To adopt rules pursuant to ss. 120.536(1) and 120.54
2696 to administer the Children's Medical Services Act. ~~The rules may~~
2697 ~~include requirements for definitions of terms, program~~
2698 ~~organization, and program description; a process for selecting~~
2699 ~~an area medical director; responsibilities of applicants and~~
2700 ~~clients; requirements for service applications, including~~
2701 ~~required medical and financial information; eligibility~~
2702 ~~requirements for initial treatment and for continued~~
2703 ~~eligibility, including financial and custody issues;~~
2704 ~~methodologies for resource development and allocation, including~~
2705 ~~medical and financial considerations; requirements for~~
2706 ~~reimbursement services rendered to a client; billing and payment~~
2707 ~~requirements for providers; requirements for qualification,~~
2708 ~~appointments, verification, and emergency exceptions for health-~~
2709 ~~professional consultants; general and diagnostic-specific~~
2710 ~~standards for diagnostic and treatment facilities; and standards~~



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2711 ~~for the method of service delivery, including consultant~~
2712 ~~services, respect for privacy considerations, examination~~
2713 ~~requirements, family support plans, and clinic design.~~

2714 Section 78. Section 391.028, Florida Statutes, is amended
2715 to read:

2716 391.028 Administration. ~~The Children's Medical Services~~
2717 ~~program shall have a central office and area offices.~~

2718 (1) The Director of Children's Medical Services must be a
2719 physician licensed under chapter 458 or chapter 459 who has
2720 specialized training and experience in the provision of health
2721 care to children and who has recognized skills in leadership and
2722 the promotion of children's health programs. The director shall
2723 be the deputy secretary and the Deputy State Health Officer for
2724 Children's Medical Services and is appointed by and reports to
2725 the State Surgeon General. The director may appoint such other
2726 staff as necessary for the operation of the program ~~division~~
2727 ~~directors~~ subject to the approval of the State Surgeon General.

2728 (2) The director shall provide for operational system using
2729 such department staff and contract providers as necessary. The
2730 program shall implement the following program activities under
2731 physician supervision on a statewide basis ~~designate Children's~~
2732 ~~Medical Services area offices to perform operational activities,~~
2733 ~~including, but not limited to:~~

2734 (a) ~~Providing~~ Case management services for ~~the~~ network
2735 participants;-

2736 (b) Management and ~~Providing local~~ oversight of local ~~the~~
2737 program activities;-

2738 (c) ~~Determining an individual's~~ Medical and financial
2739 eligibility determination for the program in accordance with s.



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2740 391.029;—

2741 (d) ~~Participating in the~~ Determination of a level of care
2742 and medical complexity for long-term care services;—

2743 (e) Authorizing services in the program and developing
2744 spending plans;—

2745 (f) ~~Participating in the~~ Development of treatment plans;
2746 and—

2747 (g) ~~Taking part in the~~ Resolution of complaints and
2748 grievances from participants and health care providers.

2749 (3) Each Children's Medical Services area office shall be
2750 directed by a physician licensed under chapter 458 or chapter
2751 459 who has specialized training and experience in the provision
2752 of health care to children. The director of a Children's Medical
2753 Services area office shall be appointed by the director from the
2754 active panel of Children's Medical Services physician
2755 consultants.

2756 Section 79. Section 391.029, Florida Statutes, is amended
2757 to read:

2758 391.029 Program eligibility.—

2759 (1) Eligibility ~~The department shall establish the medical~~
2760 ~~criteria to determine if an applicant for the Children's Medical~~
2761 ~~Services program is~~ based on the diagnosis of one or more
2762 chronic and serious medical conditions and the family's need for
2763 specialized services ~~an eligible individual.~~

2764 (2) The following individuals are ~~financially~~ eligible to
2765 receive services through the program:

2766 (a) A high-risk pregnant female who is enrolled in ~~eligible~~
2767 ~~for~~ Medicaid.

2768 (b) Children with serious special health care needs from



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2769 birth to 21 years of age who are enrolled in ~~eligible for~~
2770 Medicaid.

2771 (c) Children with serious special health care needs from
2772 birth to 19 years of age who are enrolled in ~~eligible for~~ a
2773 program under Title XXI of the Social Security Act.

2774 (3) Subject to the availability of funds, the following
2775 individuals may receive services through the program:

2776 (a) Children with serious special health care needs from
2777 birth to 21 years of age who do not qualify for Medicaid or
2778 ~~whose family income is above the requirements for financial~~
2779 ~~eligibility under~~ Title XXI of the Social Security Act but who
2780 are unable to access, due to lack of providers or lack of
2781 financial resources, specialized services that are medically
2782 necessary or essential family support services ~~and whose~~
2783 ~~projected annual cost of care adjusts the family income to~~
2784 ~~Medicaid financial criteria. Families In cases where the family~~
2785 ~~income is adjusted based on a projected annual cost of care, the~~
2786 ~~family~~ shall participate financially in the cost of care based
2787 on a sliding fee scale ~~criteria~~ established by the department.

2788 (b) Children with special health care needs from birth to
2789 21 years of age, as provided in Title V of the Social Security
2790 Act.

2791 (c) An infant who receives an award of compensation under
2792 s. 766.31(1). The Florida Birth-Related Neurological Injury
2793 Compensation Association shall reimburse the Children's Medical
2794 Services Network the state's share of funding, which must
2795 thereafter be used to obtain matching federal funds under Title
2796 XXI of the Social Security Act.

2797 ~~(4) The department shall determine the financial and~~



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2798 ~~medical eligibility of children for the program. The department~~
2799 ~~shall also determine the financial ability of the parents, or~~
2800 ~~persons or other agencies having legal custody over such~~
2801 ~~individuals, to pay the costs of health services under the~~
2802 ~~program. The department may pay reasonable travel expenses~~
2803 ~~related to the determination of eligibility for or the provision~~
2804 ~~of health services.~~

2805 (4)~~(5)~~ Any child who has been provided with surgical or
2806 medical care or treatment under this act prior to being adopted
2807 and has serious and chronic special health needs shall continue
2808 to be eligible to be provided with such care or treatment after
2809 his or her adoption, regardless of the financial ability of the
2810 persons adopting the child.

2811 Section 80. Section 391.0315, Florida Statutes, is amended
2812 to read:

2813 391.0315 Benefits.—Benefits provided under the program for
2814 children with special health care needs shall be equivalent to
2815 ~~the same~~ benefits provided to children as specified in ss.
2816 409.905 and 409.906. The department may offer additional
2817 benefits for early intervention services, respite services,
2818 genetic testing, genetic and nutritional counseling, and parent
2819 support services, if such services are determined to be
2820 medically necessary. ~~No child or person determined eligible for~~
2821 ~~the program who is eligible under Title XIX or Title XXI of the~~
2822 ~~Social Security Act shall receive any service other than an~~
2823 ~~initial health care screening or treatment of an emergency~~
2824 ~~medical condition as defined in s. 395.002, until such child or~~
2825 ~~person is enrolled in Medicaid or a Title XXI program.~~

2826 Section 81. Effective January 1, 2013, section 392.51,



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2827 Florida Statutes, is amended to read:

2828 392.51 Tuberculosis control Findings and intent.-A
2829 statewide system is established to control tuberculosis
2830 infection and mitigate its effects. The system consists ~~The~~
2831 ~~Legislature finds and declares that active tuberculosis is a~~
2832 ~~highly contagious infection that is sometimes fatal and~~
2833 ~~constitutes a serious threat to the public health. The~~
2834 ~~Legislature finds that there is a significant reservoir of~~
2835 ~~tuberculosis infection in this state and that there is a need to~~
2836 ~~develop community programs to identify tuberculosis and to~~
2837 ~~respond quickly with appropriate measures. The Legislature finds~~
2838 ~~that some patients who have active tuberculosis have complex~~
2839 ~~medical, social, and economic problems that make outpatient~~
2840 ~~control of the disease difficult, if not impossible, without~~
2841 ~~posing a threat to the public health. The Legislature finds that~~
2842 ~~in order to protect the citizenry from those few persons who~~
2843 ~~pose a threat to the public, it is necessary to establish a~~
2844 ~~system~~ of mandatory contact identification, treatment to cure,
2845 hospitalization, and isolation for contagious cases, and to
2846 provide a system of voluntary, community-oriented care and
2847 surveillance in all other cases. ~~The Legislature finds that the~~
2848 ~~delivery of Tuberculosis control services shall be provided is~~
2849 ~~best accomplished~~ by the coordinated efforts of the respective
2850 county health departments and contracted or other private health
2851 care providers, ~~the A.C. Holley State Hospital, and the private~~
2852 ~~health care delivery system.~~

2853 Section 82. Effective January 1, 2013, subsection (4) of
2854 section 392.61, Florida Statutes, is amended to read:

2855 392.61 Community tuberculosis control programs.-



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2856 ~~(4) The department shall develop, by rule, a methodology~~
2857 ~~for distributing funds appropriated for tuberculosis control~~
2858 ~~programs. Criteria to be considered in this methodology include,~~
2859 ~~but are not limited to, the basic infrastructure available for~~
2860 ~~tuberculosis control, caseload requirements, laboratory support~~
2861 ~~services needed, and epidemiologic factors.~~

2862 Section 83. Effective January 1, 2013, section 392.62,
2863 Florida Statutes, is amended to read:

2864 392.62 Hospitalization and placement programs.—

2865 (1) The department shall contract for operation of ~~operate~~
2866 a program for the treatment hospitalization of persons who have
2867 active tuberculosis in hospitals licensed under chapter 395 and
2868 may provide for appropriate placement of persons who have active
2869 tuberculosis in other health care facilities or residential
2870 facilities. The department shall require the contractor to use
2871 existing licensed community hospitals and other facilities for
2872 the care and treatment to cure of persons who have active
2873 tuberculosis or a history of noncompliance with prescribed drug
2874 regimens and require inpatient or other residential services.

2875 ~~(2) The department may operate a licensed hospital for the~~
2876 ~~care and treatment to cure of persons who have active~~
2877 ~~tuberculosis. The hospital may have a forensic unit where, under~~
2878 ~~medical protocol, a patient can be held in a secure or~~
2879 ~~protective setting. The department shall also seek to maximize~~
2880 ~~use of existing licensed community hospitals for the care and~~
2881 ~~treatment to cure of persons who have active tuberculosis.~~

2882 (2)(3) The program for control of tuberculosis shall
2883 provide funding for participating facilities and require any
2884 such facilities to meet the following conditions ~~Any licensed~~



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2885 ~~hospital operated by the department, any licensed hospital under~~
2886 ~~contract with the department, and any other health care facility~~
2887 ~~or residential facility operated by or under contract with the~~
2888 ~~department for the care and treatment of patients who have~~
2889 ~~active tuberculosis shall:~~

2890 (a) Admit patients voluntarily and under court order as
2891 appropriate for each particular facility;

2892 (b) Require that each patient pay the actual cost of care
2893 provided whether the patient is admitted voluntarily or by court
2894 order;

2895 (c) Provide for ~~a method of paying for~~ the care of patients
2896 in the program regardless of ability to pay who cannot afford to
2897 ~~do so;~~

2898 (d) Require a primary clinical diagnosis of active
2899 tuberculosis by a physician licensed under chapter 458 or
2900 chapter 459 before admitting the patient; provided that there
2901 may be more than one primary diagnosis;

2902 (e) Provide a method of notification to the county health
2903 department and to the patient's family, if any, before
2904 discharging the patient from the hospital or other facility;

2905 (f) Provide for the necessary exchange of medical
2906 information to assure adequate community treatment to cure and
2907 followup of discharged patients, as appropriate; and

2908 (g) Provide for a method of medical care and counseling and
2909 for housing, social service, and employment referrals, if
2910 appropriate, for ~~all~~ patients discharged from the hospital.

2911 (3)~~(4)~~ A hospital may, pursuant to court order, place a
2912 patient in temporary isolation for a period of no more than 72
2913 continuous hours. The department shall obtain a court order in



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2914 the same manner as prescribed in s. 392.57. Nothing in this
2915 subsection precludes a hospital from isolating an infectious
2916 patient for medical reasons.

2917 ~~(4)~~(5) Any person committed under s. 392.57 who leaves the
2918 tuberculosis hospital or residential facility without having
2919 been discharged by the designated medical authority, except as
2920 provided in s. 392.63, shall be apprehended by the sheriff of
2921 the county in which the person is found and immediately
2922 delivered to the facility from which he or she left.

2923 Section 84. Subsection (1) of section 395.1027, Florida
2924 Statutes, is amended to read:

2925 395.1027 Regional poison control centers.—

2926 (1) There shall be created three certified regional poison
2927 control centers, one each in the north, central, and southern
2928 regions of the state. Each regional poison control center shall
2929 be affiliated with and physically located in a certified Level I
2930 trauma center. Each regional poison control center shall be
2931 affiliated with an accredited medical school or college of
2932 pharmacy. The regional poison control centers shall be
2933 coordinated under the aegis of the Division of Children's
2934 Medical Services ~~Prevention and Intervention~~ in the department.

2935 Section 85. The Department of Health shall develop and
2936 implement a transition plan for the closure of A.G. Holley State
2937 Hospital. The plan shall include specific steps to end voluntary
2938 admissions; transfer patients to alternate facilities;
2939 communicate with families, providers, other affected parties,
2940 and the general public; enter into any necessary contracts with
2941 providers; and coordinate with the Department of Management
2942 Services regarding the disposition of equipment and supplies and



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2943 the closure of the facility; and the Agency for Health Care
2944 Administration is directed to modify its reimbursement plans and
2945 seek federal approval, if necessary, to continue Medicaid
2946 funding throughout the treatment period in community hospitals
2947 and other facilities. The plan shall be submitted to the
2948 Governor, the Speaker of the House of Representatives, and the
2949 President of the Senate by May 31, 2012. The department shall
2950 fully implement the plan by January 1, 2013.

2951 Section 86. Subsection (4) of section 401.243, Florida
2952 Statutes, is amended to read:

2953 401.243 Injury prevention.—The department shall establish
2954 an injury-prevention program with responsibility for the
2955 statewide coordination and expansion of injury-prevention
2956 activities. The duties of the department under the program may
2957 include, but are not limited to, data collection, surveillance,
2958 education, and the promotion of interventions. In addition, the
2959 department may:

2960 ~~(4) Adopt rules governing the implementation of grant~~
2961 ~~programs. The rules may include, but need not be limited to,~~
2962 ~~criteria regarding the application process, the selection of~~
2963 ~~grantees, the implementation of injury prevention activities,~~
2964 ~~data collection, surveillance, education, and the promotion of~~
2965 ~~interventions.~~

2966 Section 87. Subsection (6) of section 401.245, Florida
2967 Statutes, is renumbered as subsection (5), and present
2968 subsection (5) of that section is amended to read:

2969 401.245 Emergency Medical Services Advisory Council.—

2970 ~~(5) The department shall adopt rules to implement this~~
2971 ~~section, which rules shall serve as formal operating procedures~~



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2972 ~~for the Emergency Medical Services Advisory Council.~~

2973 Section 88. Section 401.271, Florida Statutes, is amended
2974 to read:

2975 401.271 Certification of emergency medical technicians and
2976 paramedics who are on active duty with the Armed Forces of the
2977 United States; spouses of members of the Armed Forces.—

2978 ~~(1)~~ Any member of the Armed Forces of the United States on
2979 active duty who, at the time he or she became a member, was in
2980 good standing with the department and was entitled to practice
2981 as an emergency medical technician or paramedic in the state
2982 remains in good standing without registering, paying dues or
2983 fees, or performing any other act, as long as he or she is a
2984 member of the Armed Forces of the United States on active duty
2985 and for a period of 6 months after his or her discharge from
2986 active duty as a member of the Armed Forces of the United
2987 States.

2988 ~~(2) The department may adopt rules exempting the spouse of~~
2989 ~~a member of the Armed Forces of the United States on active duty~~
2990 ~~from certification renewal provisions while the spouse is absent~~
2991 ~~from the state because of the member's active duty with the~~
2992 ~~Armed Forces.~~

2993 Section 89. Section 402.45, Florida Statutes is repealed.

2994 Section 90. Subsections (3) and (4) of section 403.863,
2995 Florida Statutes, are amended to read:

2996 403.863 State public water supply laboratory certification
2997 program.—

2998 (3) The Department of Health shall have the responsibility
2999 for the operation and implementation of the state laboratory
3000 certification program. The Department of Health shall contract



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3001 for the evaluation and review of laboratory certification
3002 applications, and laboratory inspections.~~except that,~~ Upon
3003 completion of the evaluation and review of the laboratory
3004 certification application, the evaluation shall be forwarded,
3005 along with recommendations, to the department for review and
3006 comment, prior to final approval or disapproval by the
3007 Department of Health.

3008 (4) The following acts constitute grounds for which the
3009 disciplinary actions specified in subsection (5) may be taken:

3010 (a) Making false statements on an application or on any
3011 document associated with certification.

3012 (b) Making consistent errors in analyses or erroneous
3013 reporting.

3014 (c) Permitting personnel who are not qualified, as required
3015 by rules of the Department of Health, to perform analyses.

3016 (d) Falsifying the results of analyses.

3017 (e) Failing to employ approved laboratory methods in
3018 performing analyses as outlined in rules of the Department of
3019 Health.

3020 (f) Failing to properly maintain facilities and equipment
3021 according to the laboratory's quality assurance plan.

3022 (g) Failing to report analytical test results or maintain
3023 required records of test results as outlined in rules of the
3024 Department of Health.

3025 (h) Failing to participate successfully in a performance
3026 evaluation program approved by the Department of Health.

3027 (i) Violating any provision of this section or of the rules
3028 adopted under this section.

3029 (j) Falsely advertising services or credentials.



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3030 (k) Failing to pay fees for initial certification or
3031 renewal certification or to pay inspection expenses incurred by
3032 ~~the Department of Health.~~

3033 (l) Failing to report any change of an item included in the
3034 initial or renewal certification application.

3035 (m) Refusing to allow representatives of the department or
3036 the Department of Health to inspect a laboratory and its records
3037 during normal business hours.

3038 Section 91. Subsection (1) of section 400.914, Florida
3039 Statutes, is amended to read:

3040 400.914 Rules establishing standards.—

3041 (1) Pursuant to the intention of the Legislature to provide
3042 safe and sanitary facilities and healthful programs, the agency
3043 in conjunction with the Division of Children's Medical Services
3044 ~~Prevention and Intervention~~ of the Department of Health shall
3045 adopt and publish rules to implement the provisions of this part
3046 and part II of chapter 408, which shall include reasonable and
3047 fair standards. Any conflict between these standards and those
3048 that may be set forth in local, county, or city ordinances shall
3049 be resolved in favor of those having statewide effect. Such
3050 standards shall relate to:

3051 (a) The assurance that PPEC services are family centered
3052 and provide individualized medical, developmental, and family
3053 training services.

3054 (b) The maintenance of PPEC centers, not in conflict with
3055 the provisions of chapter 553 and based upon the size of the
3056 structure and number of children, relating to plumbing, heating,
3057 lighting, ventilation, and other building conditions, including
3058 adequate space, which will ensure the health, safety, comfort,



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3059 and protection from fire of the children served.

3060 (c) The appropriate provisions of the most recent edition
3061 of the "Life Safety Code" (NFPA-101) shall be applied.

3062 (d) The number and qualifications of all personnel who have
3063 responsibility for the care of the children served.

3064 (e) All sanitary conditions within the PPEC center and its
3065 surroundings, including water supply, sewage disposal, food
3066 handling, and general hygiene, and maintenance thereof, which
3067 will ensure the health and comfort of children served.

3068 (f) Programs and basic services promoting and maintaining
3069 the health and development of the children served and meeting
3070 the training needs of the children's legal guardians.

3071 (g) Supportive, contracted, other operational, and
3072 transportation services.

3073 (h) Maintenance of appropriate medical records, data, and
3074 information relative to the children and programs. Such records
3075 shall be maintained in the facility for inspection by the
3076 agency.

3077 Section 92. Paragraph (f) of subsection (8) of section
3078 411.203, Florida Statutes, is amended to read:

3079 411.203 Continuum of comprehensive services.—The Department
3080 of Education and the Department of Health ~~and Rehabilitative~~
3081 ~~Services~~ shall utilize the continuum of prevention and early
3082 assistance services for high-risk pregnant women and for high-
3083 risk and handicapped children and their families, as outlined in
3084 this section, as a basis for the intraagency and interagency
3085 program coordination, monitoring, and analysis required in this
3086 chapter. The continuum shall be the guide for the comprehensive
3087 statewide approach for services for high-risk pregnant women and



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3088 for high-risk and handicapped children and their families, and
3089 may be expanded or reduced as necessary for the enhancement of
3090 those services. Expansion or reduction of the continuum shall be
3091 determined by intraagency or interagency findings and agreement,
3092 whichever is applicable. Implementation of the continuum shall
3093 be based upon applicable eligibility criteria, availability of
3094 resources, and interagency prioritization when programs impact
3095 both agencies, or upon single agency prioritization when
3096 programs impact only one agency. The continuum shall include,
3097 but not be limited to:

3098 (8) SUPPORT SERVICES FOR ALL EXPECTANT PARENTS AND PARENTS
3099 OF HIGH-RISK CHILDREN.—

3100 (f) Parent support groups, such as ~~the community resource~~
3101 ~~mother or father program as established in s. 402.45,~~ or parents
3102 as first teachers, to strengthen families and to enable families
3103 of high-risk children to better meet their needs.

3104 Section 93. Paragraph (d) of subsection (11) of section
3105 409.256, Florida Statutes, is amended to read:

3106 409.256 Administrative proceeding to establish paternity or
3107 paternity and child support; order to appear for genetic
3108 testing.—

3109 (11) FINAL ORDER ESTABLISHING PATERNITY OR PATERNITY AND
3110 CHILD SUPPORT; CONSENT ORDER; NOTICE TO OFFICE OF VITAL
3111 STATISTICS.—

3112 (d) Upon rendering a final order of paternity or a final
3113 order of paternity and child support, the department shall
3114 notify the Office ~~Division~~ of Vital Statistics of the Department
3115 of Health that the paternity of the child has been established.

3116 Section 94. Effective January 3, 2013, subsection (3) of



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3117 section 458.309, Florida Statutes, is amended to read:

3118 458.309 Rulemaking authority.—

3119 (3) A physician ~~All physicians~~ who performs liposuction
3120 procedures in which more than 1,000 cubic centimeters of
3121 supernatant fat is removed, ~~perform~~ level 2 procedures lasting
3122 more than 5 minutes, and all level 3 surgical procedures in an
3123 office setting must register the office with the department
3124 unless that office is licensed as a facility under ~~pursuant to~~
3125 chapter 395. The department shall inspect the physician's office
3126 annually unless the office is accredited by a nationally
3127 recognized accrediting agency or an accrediting organization
3128 subsequently approved by the Board of Medicine. The actual costs
3129 for registration and inspection or accreditation shall be paid
3130 by the person seeking to register and operate the office setting
3131 in which office surgery is performed.

3132 Section 95. Effective January 3, 2013, subsection (2) of
3133 section 459.005, Florida Statutes, is amended to read:

3134 459.005 Rulemaking authority.—

3135 (2) A physician ~~All physicians~~ who performs liposuction
3136 procedures in which more than 1,000 cubic centimeters of
3137 supernatant fat is removed, ~~perform~~ level 2 procedures lasting
3138 more than 5 minutes, and all level 3 surgical procedures in an
3139 office setting must register the office with the department
3140 unless that office is licensed as a facility under ~~pursuant to~~
3141 chapter 395. The department shall inspect the physician's office
3142 annually unless the office is accredited by a nationally
3143 recognized accrediting agency or an accrediting organization
3144 subsequently approved by the Board of Osteopathic Medicine. The
3145 actual costs for registration and inspection or accreditation



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3146 shall be paid by the person seeking to register and operate the
3147 office setting in which office surgery is performed.

3148 Section 96. Section 458.346, Florida Statutes, is repealed.

3149 Section 97. Subsection (3) of section 462.19, Florida
3150 Statutes, is renumbered as subsection (2), and present
3151 subsection (2) of that section is amended to read:

3152 462.19 Renewal of license; inactive status.—

3153 ~~(2) The department shall adopt rules establishing a~~
3154 ~~procedure for the biennial renewal of licenses.~~

3155 Section 98. Subsection (6) of section 464.019, Florida
3156 Statutes, is amended to read:

3157 464.019 Approval of nursing education programs.—

3158 (6) ACCOUNTABILITY.—

3159 (a)1. An approved program must achieve a graduate passage
3160 rate that is not lower than 10 percentage points less than the
3161 average passage rate for graduates of comparable degree programs
3162 who are United States educated first-time test takers on the
3163 National Council of State Boards of Nursing Licensing
3164 Examination during a calendar year, as calculated by the
3165 contract testing service of the National Council of State Boards
3166 of Nursing. For purposes of this subparagraph, an approved
3167 program is comparable to all degree programs of the same program
3168 type from among the following program types:

3169 a. Professional nursing education programs that terminate
3170 in a bachelor's degree.

3171 b. Professional nursing education programs that terminate
3172 in an associate degree.

3173 c. Professional nursing education programs that terminate
3174 in a diploma.



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3175 d. Practical nursing education programs.
3176 2. Beginning with graduate passage rates for calendar year
3177 2010, if an approved program's graduate passage rates do not
3178 equal or exceed the required passage rates for 2 consecutive
3179 calendar years, the board shall place the program on
3180 probationary status pursuant to chapter 120 and the program
3181 director must appear before the board to present a plan for
3182 remediation. The program shall remain on probationary status
3183 until it achieves a graduate passage rate that equals or exceeds
3184 the required passage rate for any 1 calendar year. The board
3185 shall deny a program application for a new prelicensure nursing
3186 education program submitted by an educational institution if the
3187 institution has an existing program that is already on
3188 probationary status.
3189 3. Upon the program's achievement of a graduate passage
3190 rate that equals or exceeds the required passage rate, the
3191 board, at its next regularly scheduled meeting following release
3192 of the program's graduate passage rate by the National Council
3193 of State Boards of Nursing, shall remove the program's
3194 probationary status. However, if the program, during the 2
3195 calendar years following its placement on probationary status,
3196 does not achieve the required passage rate for any 1 calendar
3197 year, the board shall terminate the program pursuant to chapter
3198 120.
3199 (b) If an approved program fails to submit the annual
3200 report required in subsection (4), the board shall notify the
3201 program director and president or chief executive officer of the
3202 educational institution in writing within 15 days after the due
3203 date of the annual report. The program director must appear



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3204 before the board at the board's next regularly scheduled meeting
3205 to explain the reason for the delay. The board shall terminate
3206 the program pursuant to chapter 120 if it does not submit the
3207 annual report within 6 months after the due date.

3208 (c) An approved program on probationary status shall
3209 disclose its probationary status in writing to the program's
3210 students and applicants.

3211 Section 99. Section 464.0197, Florida Statutes, is
3212 repealed.

3213 Section 100. Subsection (1) of section 464.203, Florida
3214 Statutes, is amended to read:

3215 464.203 Certified nursing assistants; certification
3216 requirement.—

3217 (1) The board shall issue a certificate to practice as a
3218 certified nursing assistant to any person who demonstrates a
3219 minimum competency to read and write and successfully passes the
3220 required background screening pursuant to s. 400.215 and meets
3221 one of the following requirements:

3222 (a) Has successfully completed an approved training program
3223 and achieved a minimum score, established by rule of the board,
3224 on the nursing assistant competency examination, which consists
3225 of a written portion and skills-demonstration portion approved
3226 by the board and administered at a site and by personnel
3227 approved by the department.

3228 (b) Has achieved a minimum score, established by rule of
3229 the board, on the nursing assistant competency examination,
3230 which consists of a written portion and skills-demonstration
3231 portion, approved by the board and administered at a site and by
3232 personnel approved by the department and:



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3233 1. Has a high school diploma, or its equivalent; or
3234 2. Is at least 18 years of age.
3235 (c) Is currently certified in another state; is listed on
3236 that state's certified nursing assistant registry; and has not
3237 been found to have committed abuse, neglect, or exploitation in
3238 that state.
3239 (d) Has completed the curriculum developed under the
3240 Enterprise Florida Jobs and Education Partnership Grant ~~by the~~
3241 ~~Department of Education~~ and achieved a minimum score,
3242 established by rule of the board, on the nursing assistant
3243 competency examination, which consists of a written portion and
3244 skills-demonstration portion, approved by the board and
3245 administered at a site and by personnel approved by the
3246 department.
3247 Section 101. Subsection (4) of section 464.208, Florida
3248 Statutes, is amended to read:
3249 464.208 Background screening information; rulemaking
3250 authority.—
3251 ~~(4) The board shall adopt rules to administer this part.~~
3252 Section 102. Section 466.00775, Florida Statutes, is
3253 repealed.
3254 Section 103. Subsection (4) of section 514.011, Florida
3255 Statutes, is amended to read:
3256 514.011 Definitions.—As used in this chapter:
3257 (4) "Public bathing place" means a body of water, natural
3258 or modified by humans, for swimming, diving, and recreational
3259 bathing, ~~together with adjacent shoreline or land area,~~
3260 ~~buildings, equipment, and appurtenances pertaining thereto,~~ used
3261 by consent of the owner or owners and held out to the public by



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3262 any person or public body, irrespective of whether a fee is
3263 charged for the use thereof. The bathing water areas of public
3264 bathing places include, but are not limited to, lakes, ponds,
3265 rivers, streams, artificial impoundments, and waters along the
3266 coastal and intracoastal beaches and shores of the state.

3267 Section 104. Section 514.021, Florida Statutes, is amended
3268 to read:

3269 514.021 Department authorization.—

3270 (1) The department may adopt and enforce rules, ~~which may~~
3271 ~~include definitions of terms,~~ to protect the health, safety, or
3272 welfare of persons by setting sanitation and safety standards
3273 for using public swimming pools and public bathing places. The
3274 department shall review and revise such rules as necessary, but
3275 not less than biennially. Sanitation and safety standards shall
3276 ~~include, but not be limited to,~~ matters relating to ~~structure;~~
3277 ~~appurtenances; operation;~~ source of water supply;
3278 microbiological bacteriological, chemical, and physical quality
3279 of water in the pool or bathing area; method of water
3280 purification, treatment, and disinfection; lifesaving apparatus;
3281 and measures to ensure safety of bathers; ~~and measures to ensure~~
3282 ~~the personal cleanliness of bathers.~~

3283 (2) The department may not establish by rule any regulation
3284 governing the design, alteration, modification, or repair of
3285 public swimming pools and bathing places which has no impact on
3286 sanitation and safety ~~the health, safety, and welfare~~ of persons
3287 using public swimming pools and bathing places. Further, the
3288 department may not adopt by rule any regulation governing the
3289 construction, erection, or demolition of public swimming pools
3290 and bathing places. It is the intent of the Legislature to



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3291 preempt those functions to the Florida Building Commission
3292 through adoption and maintenance of the Florida Building Code.
3293 The department shall provide technical assistance to the
3294 commission in updating the construction standards of the Florida
3295 Building Code which govern public swimming pools ~~and bathing~~
3296 ~~places. Further, the department is authorized to conduct plan~~
3297 ~~reviews, to issue approvals, and to enforce the special-~~
3298 ~~occupancy provisions of the Florida Building Code which apply to~~
3299 ~~public swimming pools and bathing places in conducting any~~
3300 ~~inspections authorized by this chapter.~~ This subsection does not
3301 abrogate the authority of the department to adopt and enforce
3302 appropriate sanitary regulations and requirements as authorized
3303 in subsection (1).

3304 Section 105. Section 514.023, Florida Statutes, is amended
3305 to read:

3306 514.023 Sampling of beach waters and public bathing places;
3307 health advisories.—

3308 (1) As used in this section, the term "beach waters" means
3309 the waters along the coastal and intracoastal beaches and shores
3310 of the state, and includes salt water and brackish water.

3311 (2) The department may adopt and enforce rules to protect
3312 the health, safety, and welfare of persons using the beach
3313 waters and public bathing places of the state. The rules must
3314 establish health standards and prescribe procedures and
3315 timeframes for bacteriological sampling of beach waters and
3316 public bathing places.

3317 (3) The department may issue health advisories if the
3318 quality of beach waters or a public bathing place fails to meet
3319 standards established by the department. The issuance of health



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3320 advisories related to the results of bacteriological sampling of
3321 beach waters is preempted to the state.

3322 (4) When the department issues a health advisory against
3323 swimming in beach waters or a public bathing place on the basis
3324 of finding elevated levels of fecal coliform, Escherichia coli,
3325 or enterococci bacteria in a water sample, the department shall
3326 concurrently notify the municipality or county in which the
3327 affected beach waters are located, whichever has jurisdiction,
3328 and the local office of the Department of Environmental
3329 Protection, of the advisory. The local office of the Department
3330 of Environmental Protection shall promptly investigate
3331 wastewater treatment facilities within 1 mile of the affected
3332 beach waters or public bathing place to determine if a facility
3333 experienced an incident that may have contributed to the
3334 contamination and provide the results of the investigation in
3335 writing or by electronic means to the municipality or county, as
3336 applicable.

3337 ~~(5) Contingent upon legislative appropriation to the~~
3338 ~~department in the amount of \$600,000 nonrecurring, the~~
3339 ~~department will perform a 3-year study to determine the water~~
3340 ~~quality at beaches throughout the state. The study will be~~
3341 ~~performed in all counties that have public-access saltwater and~~
3342 ~~brackish water beaches.~~

3343 Section 106. Section 514.025, Florida Statutes, is amended
3344 to read:

3345 514.025 Assignment of authority to county health
3346 departments.-

3347 (1) The department shall assign to county health
3348 departments that are staffed with qualified engineering



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3349 personnel the functions of reviewing applications and plans for
3350 the construction, development, or modification of public
3351 swimming pools or bathing places; of conducting inspections ~~for~~
3352 ~~and issuance of initial operating permits;~~ and of issuing all
3353 permits. If the county health department determines that
3354 qualified staff are not available ~~is not assigned the functions~~
3355 ~~of application and plan review and the issuance of initial~~
3356 ~~operating permits,~~ the department shall be responsible for such
3357 functions. ~~The department shall make the determination~~
3358 ~~concerning the qualifications of county health department~~
3359 ~~personnel to perform these functions and may make and enforce~~
3360 ~~such rules pertaining thereto as it shall deem proper.~~

3361 (2) ~~After the initial operating permit is issued, the~~
3362 County health departments are responsible ~~shall assume full~~
3363 ~~responsibility~~ for routine surveillance of water quality in all
3364 public swimming pools and bathing places, including
3365 ~~responsibility for a minimum of two~~ routine inspections
3366 annually, complaint investigations, enforcement procedures, and
3367 ~~reissuance of operating permits, and renewal of~~ operating
3368 permits.

3369 (3) The department may assign the responsibilities and
3370 functions specified in this section to any multicounty
3371 independent special district created by the Legislature to
3372 perform multiple functions, to include municipal services and
3373 improvements, to the same extent and under the same conditions
3374 as provided in subsections (1) and (2), upon request of the
3375 special district.

3376 Section 107. Section 514.03, Florida Statutes, is amended
3377 to read:



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3378 514.03 ~~Construction plans~~ Approval necessary to construct,
3379 develop, or modify public swimming pools or public bathing
3380 places. ~~It is unlawful for any person or public body to~~
3381 ~~construct, develop, or modify any public swimming pool or~~
3382 ~~bathing place, other than coastal or intracoastal beaches,~~
3383 ~~without a valid construction plans approval from the department.~~
3384 ~~This section does not preempt the authority of~~ Local governments
3385 or local enforcement districts may determine ~~to conduct plan~~
3386 ~~reviews and inspections of public swimming pools and bathing~~
3387 ~~places for~~ compliance with the general construction standards of
3388 the Florida Building Code, pursuant to s. 553.80. Local
3389 governments or local enforcement districts may conduct plan
3390 reviews and inspections of public swimming pools and public
3391 bathing places for this purpose.

3392 (1) ~~Any person or public body desiring to construct,~~
3393 ~~develop, or modify any public swimming pool or bathing place~~
3394 ~~shall file an application for a construction plans approval with~~
3395 ~~the department on application forms provided by the department~~
3396 ~~and shall accompany such application with:~~

3397 (a) ~~Engineering drawings, specifications, descriptions, and~~
3398 ~~detailed maps of the structure, its appurtenances, and its~~
3399 ~~intended operation.~~

3400 (b) ~~A description of the source or sources of water supply~~
3401 ~~and amount and quality of water available and intended to be~~
3402 ~~used.~~

3403 (c) ~~A description of the method and manner of water~~
3404 ~~purification, treatment, disinfection, and heating.~~

3405 (d) ~~Other applicable information deemed necessary by the~~
3406 ~~department to fulfill the requirements of this chapter.~~



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3407 ~~(2) If the proposed construction of, development of, or~~
3408 ~~modification of a public swimming pool or bathing place meets~~
3409 ~~standards of public health and safety as defined in this chapter~~
3410 ~~and rules adopted hereunder, the department shall grant the~~
3411 ~~application for the construction plans approval within 30 days~~
3412 ~~after receipt of a complete submittal. If engineering plans~~
3413 ~~submitted are in substantial compliance with the standards~~
3414 ~~aforementioned, the department may approve the plans with~~
3415 ~~provisions for corrective action to be completed prior to~~
3416 ~~issuance of the operating permit.~~

3417 ~~(3) If the proposed construction, development, or~~
3418 ~~modification of a public swimming pool or bathing place fails to~~
3419 ~~meet standards of public health and safety as defined in this~~
3420 ~~chapter and rules adopted hereunder, the department shall deny~~
3421 ~~the application for construction plans approval pursuant to the~~
3422 ~~provisions of chapter 120. Such denial shall be issued in~~
3423 ~~writing within 30 days and shall list the circumstances for~~
3424 ~~denial. Upon correction of such circumstances, an applicant~~
3425 ~~previously denied permission to construct, develop, or modify a~~
3426 ~~public swimming pool or bathing place may reapply for~~
3427 ~~construction plans approval.~~

3428 ~~(4) An approval of construction plans issued by the~~
3429 ~~department under this section becomes void 1 year after the date~~
3430 ~~the approval was issued if the construction is not commenced~~
3431 ~~within 1 year after the date of issuance.~~

3432 Section 108. Section 514.031, Florida Statutes, is amended
3433 to read:

3434 514.031 Permit necessary to operate public swimming pool ~~or~~
3435 ~~bathing place.-~~



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3436 (1) It is unlawful for any person or public body to operate
3437 or continue to operate any public swimming pool ~~or bathing place~~
3438 without a valid permit from the department, such permit to be
3439 obtained in the following manner:

3440 (a) Any person or public body desiring to operate any
3441 public swimming pool ~~or bathing place~~ shall file an application
3442 for a permit with the department, on application forms provided
3443 by the department, and shall accompany such application with:

3444 ~~1. Descriptions of the structure, its appurtenances, and~~
3445 ~~its operation.~~

3446 ~~1.2.~~ Description of the source or sources of water supply,
3447 and the amount and quality of water available and intended to be
3448 used.

3449 ~~2.3.~~ Method and manner of water purification, treatment,
3450 disinfection, and heating.

3451 ~~3.4.~~ Safety equipment and standards to be used.

3452 ~~5. Measures to ensure personal cleanliness of bathers.~~

3453 ~~4.6.~~ Any other pertinent information deemed necessary by
3454 the department ~~to fulfill the requirements of this chapter.~~

3455 (b) If the department determines that the public swimming
3456 pool ~~or bathing place~~ is or may reasonably be expected to be
3457 operated in compliance with this chapter and the rules adopted
3458 hereunder, the department shall grant the application for
3459 permit.

3460 (c) If the department determines that the public swimming
3461 pool ~~or bathing place~~ does not meet the provisions outlined in
3462 this chapter or the rules adopted hereunder, the department
3463 shall deny the application for a permit pursuant to the
3464 provisions of chapter 120. Such denial shall be in writing and



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3465 shall list the circumstances for the denial. Upon correction of
3466 such circumstances, an applicant previously denied permission to
3467 operate a public swimming pool or bathing place may reapply for
3468 a permit.

3469 (2) Operating permits shall not be required for coastal or
3470 intracoastal beaches.

3471 (3) Operating permits may be transferred ~~shall not be~~
3472 ~~transferable~~ from one name or owner to another. When the
3473 ownership or name of an existing public swimming pool ~~or bathing~~
3474 ~~place~~ is changed and such establishment is operating at the time
3475 of the change with a valid permit from the department, the new
3476 owner of the establishment shall apply to the department, upon
3477 forms provided by the department, within 30 days after such a
3478 change, ~~for a reissuance of the existing permit.~~

3479 (4) Each such operating permit shall be renewed annually
3480 and the permit must be posted in a conspicuous place.

3481 (5) An owner or operator of a public swimming pool,
3482 including, but not limited to, a spa, wading, or special purpose
3483 pool, to which admittance is obtained by membership for a fee
3484 shall post in a prominent location within the facility the most
3485 recent pool inspection report issued by the department
3486 pertaining to the health and safety conditions of such facility.
3487 The report shall be legible and readily accessible to members or
3488 potential members. The department shall adopt rules to enforce
3489 this subsection. A portable pool may not be used as a public
3490 pool.

3491 Section 109. Section 514.033, Florida Statutes, is amended
3492 to read:

3493 514.033 Creation of fee schedules authorized.—



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3494 (1) The department is authorized to establish a schedule of
3495 fees to be charged by the department or by any authorized county
3496 health department as detailed in s. 514.025 ~~for the review of~~
3497 ~~applications and plans to construct, develop, or modify a public~~
3498 ~~swimming pool or bathing place, for the issuance of permits to~~
3499 ~~operate such establishments, and for the review of variance~~
3500 ~~applications for public swimming pools and bathing places.~~ Fees
3501 assessed under this chapter shall be in an amount sufficient to
3502 meet the cost of carrying out the provisions of this chapter.

3503 (2) The fee schedule shall be: for original construction or
3504 development plan approval, not less than \$275 and not more than
3505 \$500; for modification of original construction, not less than
3506 \$100 and not more than \$150; for an initial operating permit,
3507 not less than \$125 and not more than \$250; and for review of
3508 variance applications, not less than \$240 and not more than
3509 \$400. The department shall assess the minimum fees provided in
3510 this subsection until a fee schedule is promulgated by rule of
3511 the department.

3512 (3) Fees shall be ~~Any person or public body operating a~~
3513 ~~public swimming pool or bathing place shall pay to the~~
3514 ~~department an annual operating permit fee based on pool or~~
3515 ~~bathing place aggregate gallonage, which shall be: up to and~~
3516 including 25,000 gallons, not less than \$75 and not more than
3517 \$125; and in excess of 25,000 gallons, not less than \$160 and
3518 not more than \$265, except for a pool inspected pursuant to s.
3519 514.0115(2) (b) for which the annual fee shall be \$50.

3520 (4) Fees collected by the department in accordance with
3521 this chapter shall be deposited into the Grants and Donations
3522 Trust Fund ~~or Public Swimming Pool and Bathing Place Trust Fund~~



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3523 ~~for the payment of costs incurred in the administration of this~~
3524 ~~chapter. Fees collected by county health departments performing~~
3525 ~~functions pursuant to s. 514.025 shall be deposited into the~~
3526 County Health Department Trust Fund. Any fee collected under
3527 this chapter is nonrefundable.

3528 (5) The department may not charge any fees for services
3529 provided under this chapter other than those fees authorized in
3530 this section. However, the department shall prorate the initial
3531 annual fee for an operating permit on a half-year basis.

3532 Section 110. Subsections (4) and (5) of section 514.05,
3533 Florida Statutes, are amended to read:

3534 514.05 Denial, suspension, or revocation of permit;
3535 administrative fines.—

3536 (4) All amounts collected pursuant to this section shall be
3537 deposited into the Grants and Donations Trust Fund ~~Public~~
3538 ~~Swimming Pool and Bathing Place Trust Fund~~ or into the County
3539 Health Department Trust Fund, whichever is applicable.

3540 (5) Under conditions specified by rule, the department may
3541 close a public pool that is not in compliance with this chapter
3542 or the rules adopted under this chapter.

3543 Section 111. Section 514.06, Florida Statutes, is amended
3544 to read:

3545 514.06 Injunction to restrain violations.—Any public
3546 swimming pool or public bathing place presenting a significant
3547 risk to public health by failing to meet sanitation and safety
3548 standards established pursuant to constructed, developed,
3549 ~~operated, or maintained contrary to the provisions of this~~
3550 chapter is declared to be a public nuisance, dangerous to health
3551 or safety. Such nuisances may be abated or enjoined in an action



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3552 brought by the county health department or the department.

3553 Section 112. Subsections (1) and (2) of section 633.115,
3554 Florida Statutes, are amended to read:

3555 633.115 Fire and Emergency Incident Information Reporting
3556 Program; duties; fire reports.—

3557 (1) (a) The Fire and Emergency Incident Information
3558 Reporting Program is created within the Division of State Fire
3559 Marshal. The program shall:

3560 1. Establish and maintain an electronic communication
3561 system capable of transmitting fire and emergency incident
3562 information to and between fire protection agencies.

3563 2. Initiate a Fire and Emergency Incident Information
3564 Reporting System that shall be responsible for:

3565 a. Receiving fire and emergency incident information from
3566 fire protection agencies.

3567 b. Preparing and disseminating annual reports to the
3568 Governor, the President of the Senate, the Speaker of the House
3569 of Representatives, fire protection agencies, and, upon request,
3570 the public. Each report shall include, but not be limited to,
3571 the information listed in the National Fire Incident Reporting
3572 System.

3573 c. Upon request, providing other states and federal
3574 agencies with fire and emergency incident data of this state.

3575 3. Adopt rules to effectively and efficiently implement,
3576 administer, manage, maintain, and use the Fire and Emergency
3577 Incident Information Reporting Program. The rules shall be
3578 considered minimum requirements and shall not preclude a fire
3579 protection agency from implementing its own requirements which
3580 shall not conflict with the rules of the Division of State Fire



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3581 Marshal.

3582 4. By rule, establish procedures and a format for each fire
3583 protection agency to voluntarily monitor its records and submit
3584 reports to the program.

3585 5. Establish an electronic information database which is
3586 accessible and searchable by fire protection agencies.

3587 (b) The Division of State Fire Marshal shall consult with
3588 the Division of Forestry of the Department of Agriculture and
3589 Consumer Services and the State Surgeon General ~~Bureau of~~
3590 ~~Emergency Medical Services~~ of the Department of Health to
3591 coordinate data, ensure accuracy of the data, and limit
3592 duplication of efforts in data collection, analysis, and
3593 reporting.

3594 (2) The Fire and Emergency Incident Information System
3595 Technical Advisory Panel is created within the Division of State
3596 Fire Marshal. The panel shall advise, review, and recommend to
3597 the State Fire Marshal with respect to the requirements of this
3598 section. The membership of the panel shall consist of the
3599 following 15 members:

3600 (a) The current 13 members of the Firefighters Employment,
3601 Standards, and Training Council as established in s. 633.31.

3602 (b) One member from the Division of Forestry of the
3603 Department of Agriculture and Consumer Services, appointed by
3604 the division director.

3605 (c) One member from ~~the Bureau of Emergency Medical~~
3606 ~~Services~~ of the Department of Health, appointed by the State
3607 Surgeon General ~~bureau chief~~.

3608 Section 113. Subsections (4), (5), (6), (8), (9), (10),
3609 (11), and (12) of section 1009.66, Florida Statutes, are amended



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3610 to read:

3611 1009.66 Nursing Student Loan Forgiveness Program.—

3612 (4) From the funds available, the Department of Education
3613 ~~Health~~ may make loan principal repayments of up to \$4,000 a year
3614 for up to 4 years on behalf of selected graduates of an
3615 accredited or approved nursing program. All repayments shall be
3616 contingent upon continued proof of employment in the designated
3617 facilities in this state and shall be made directly to the
3618 holder of the loan. The state shall bear no responsibility for
3619 the collection of any interest charges or other remaining
3620 balance. In the event that the designated facilities are
3621 changed, a nurse shall continue to be eligible for loan
3622 forgiveness as long as he or she continues to work in the
3623 facility for which the original loan repayment was made and
3624 otherwise meets all conditions of eligibility.

3625 (5) There is created the Nursing Student Loan Forgiveness
3626 Trust Fund to be administered by the Department of Education
3627 ~~Health~~ pursuant to this section and s. 1009.67 and department
3628 rules. The Chief Financial Officer shall authorize expenditures
3629 from the trust fund upon receipt of vouchers approved by the
3630 Department of Education ~~Health~~. All moneys collected from the
3631 private health care industry and other private sources for the
3632 purposes of this section shall be deposited into the Nursing
3633 Student Loan Forgiveness Trust Fund. Any balance in the trust
3634 fund at the end of any fiscal year shall remain therein and
3635 shall be available for carrying out the purposes of this section
3636 and s. 1009.67.

3637 (6) In addition to licensing fees imposed under part I of
3638 chapter 464, there is hereby levied and imposed an additional



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3639 fee of \$5, which fee shall be paid upon licensure or renewal of
3640 nursing licensure. Revenues collected from the fee imposed in
3641 this subsection shall be deposited in the Nursing Student Loan
3642 Forgiveness Trust Fund of the Department of Education ~~Health~~ and
3643 will be used solely for the purpose of carrying out the
3644 provisions of this section and s. 1009.67. Up to 50 percent of
3645 the revenues appropriated to implement this subsection may be
3646 used for the nursing scholarship program established pursuant to
3647 s. 1009.67.

3648 ~~(8) The Department of Health may solicit technical~~
3649 ~~assistance relating to the conduct of this program from the~~
3650 ~~Department of Education.~~

3651 ~~(8)~~(9) The Department of Education ~~Health~~ is authorized to
3652 recover from the Nursing Student Loan Forgiveness Trust Fund its
3653 costs for administering the Nursing Student Loan Forgiveness
3654 Program.

3655 ~~(9)~~(10) The Department of Education ~~Health~~ may adopt rules
3656 necessary to administer this program.

3657 ~~(10)~~(11) This section shall be implemented only as
3658 specifically funded.

3659 ~~(11)~~(12) Students receiving a nursing scholarship pursuant
3660 to s. 1009.67 are not eligible to participate in the Nursing
3661 Student Loan Forgiveness Program.

3662 Section 114. Section 1009.67, Florida Statutes, is amended
3663 to read:

3664 1009.67 Nursing scholarship program.—

3665 (1) There is established within the Department of Education
3666 ~~Health~~ a scholarship program for the purpose of attracting
3667 capable and promising students to the nursing profession.



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3668 (2) A scholarship applicant shall be enrolled in an
3669 approved nursing program leading to the award of an associate
3670 degree, a baccalaureate degree, or a graduate degree in nursing.

3671 (3) A scholarship may be awarded for no more than 2 years,
3672 in an amount not to exceed \$8,000 per year. However, registered
3673 nurses pursuing a graduate degree for a faculty position or to
3674 practice as an advanced registered nurse practitioner may
3675 receive up to \$12,000 per year. These amounts shall be adjusted
3676 by the amount of increase or decrease in the consumer price
3677 index for urban consumers published by the United States
3678 Department of Commerce.

3679 (4) Credit for repayment of a scholarship shall be as
3680 follows:

3681 (a) For each full year of scholarship assistance, the
3682 recipient agrees to work for 12 months in a faculty position in
3683 a college of nursing or Florida College System institution
3684 nursing program in this state or at a health care facility in a
3685 medically underserved area as designated ~~approved~~ by the
3686 Department of Health. Scholarship recipients who attend school
3687 on a part-time basis shall have their employment service
3688 obligation prorated in proportion to the amount of scholarship
3689 payments received.

3690 (b) Eligible health care facilities include nursing homes
3691 and hospitals in this state, state-operated medical or health
3692 care facilities, public schools, county health departments,
3693 federally sponsored community health centers, colleges of
3694 nursing in universities in this state, and Florida College
3695 System institution nursing programs in this state, family
3696 practice teaching hospitals as defined in s. 395.805, or



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3697 specialty children's hospitals as described in s. 409.9119. The
3698 recipient shall be encouraged to complete the service obligation
3699 at a single employment site. If continuous employment at the
3700 same site is not feasible, the recipient may apply to the
3701 department for a transfer to another approved health care
3702 facility.

3703 (c) Any recipient who does not complete an appropriate
3704 program of studies, who does not become licensed, who does not
3705 accept employment as a nurse at an approved health care
3706 facility, or who does not complete 12 months of approved
3707 employment for each year of scholarship assistance received
3708 shall repay to the Department of Education Health, on a schedule
3709 to be determined by the department, the entire amount of the
3710 scholarship plus 18 percent interest accruing from the date of
3711 the scholarship payment. Moneys repaid shall be deposited into
3712 the Nursing Student Loan Forgiveness Trust Fund established in
3713 s. 1009.66. However, the department may provide additional time
3714 for repayment if the department finds that circumstances beyond
3715 the control of the recipient caused or contributed to the
3716 default.

3717 (5) Scholarship payments shall be transmitted to the
3718 recipient upon receipt of documentation that the recipient is
3719 enrolled in an approved nursing program. The Department of
3720 Education Health shall develop a formula to prorate payments to
3721 scholarship recipients so as not to exceed the maximum amount
3722 per academic year.

3723 (6) The Department of Education Health shall adopt rules,
3724 including rules to address extraordinary circumstances that may
3725 cause a recipient to default on either the school enrollment or



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3726 employment contractual agreement, to implement this section.

3727 (7) The Department of Education ~~Health~~ may recover from the
3728 Nursing Student Loan Forgiveness Trust Fund its costs for
3729 administering the nursing scholarship program.

3730 Section 115. Department of Health; type two transfer.-

3731 (1) All powers, duties, functions, records, offices,
3732 personnel, associated administrative support positions,
3733 property, pending issues, existing contracts, administrative
3734 authority, administrative rules, and unexpended balances of
3735 appropriations, allocations, and other funds relating to the
3736 Nursing Student Loan Forgiveness Program and the nursing
3737 scholarship program in the Department of Health are transferred
3738 by a type two transfer, as defined in s. 20.06(2), Florida
3739 Statutes, to the Department of Education.

3740 (2) The Nursing Student Loan Forgiveness Trust Fund is
3741 transferred from the Department of Health to the Department of
3742 Education.

3743 (3) Any binding contract or interagency agreement related
3744 to the Nursing Student Loan Forgiveness Program existing before
3745 July 1, 2012, between the Department of Health, or an entity or
3746 agent of the agency, and any other agency, entity, or person
3747 shall continue as a binding contract or agreement for the
3748 remainder of the term of such contract or agreement on the
3749 successor department, agency, or entity responsible for the
3750 program, activity, or functions relative to the contract or
3751 agreement.

3752 (4) Notwithstanding s. 216.292 and pursuant to s. 216.351,
3753 Florida Statutes, upon approval by the Legislative Budget
3754 Commission, the Executive Office of the Governor may transfer



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3755 funds and positions between agencies to implement this act.

3756 (5) The transfer of any program, activity, duty, or
3757 function under this act includes the transfer of any records and
3758 unexpended balances of appropriations, allocations, or other
3759 funds related to such program, activity, duty, or function.
3760 Unless otherwise provided, the successor organization to any
3761 program, activity, duty, or function transferred under this act
3762 shall become the custodian of any property of the organization
3763 that was responsible for the program, activity, duty, or
3764 function immediately before the transfer.

3765 Section 116. The Division of Medical Quality Assurance
3766 shall develop a plan to improve the efficiency of its functions.
3767 Specifically, the plan shall delineate methods to: reduce the
3768 average length of time for a qualified applicant to receive
3769 initial and renewal licensure, certification, or registration,
3770 by one-third; improve the agenda process for board meetings to
3771 increase transparency, timeliness, and usefulness for board
3772 decisionmaking; and improve the cost-effectiveness and
3773 efficiency of the joint functions of the division and the
3774 regulatory boards. In developing the plan, the division shall
3775 identify and analyze best practices found within the division
3776 and other state agencies with similar functions, options for
3777 information technology improvements, options for contracting
3778 with outside entities, and any other option the division deems
3779 useful. The division shall consult with and solicit
3780 recommendations from the regulatory boards in developing the
3781 plan. The division shall submit the plan to the Governor, the
3782 Speaker of the House of Representatives, and the President of
3783 the Senate by November 1, 2012. All executive branch agencies



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3784 are instructed, and all other state agencies are requested, to
3785 assist the division in accomplishing its purposes under this
3786 section.

3787 Section 117. Paragraph (e) of subsection (2) of section
3788 154.503, Florida Statutes, is amended to read:

3789 154.503 Primary Care for Children and Families Challenge
3790 Grant Program; creation; administration.—

3791 (2) The department shall:

3792 (e) Coordinate with the primary care program developed
3793 pursuant to s. 154.011, the Florida Healthy Kids Corporation
3794 program created in s. 624.91, the school health services program
3795 created in ss. 381.0056 and 381.0057, ~~the Healthy Communities,~~
3796 ~~Healthy People Program created in s. 381.734,~~ and the volunteer
3797 health care provider program developed pursuant to s. 766.1115.

3798 Section 118. Subsection (1), paragraph (c) of subsection
3799 (3), and subsection (9) of section 381.0041, Florida Statutes,
3800 are amended to read:

3801 381.0041 Donation and transfer of human tissue; testing
3802 requirements.—

3803 (1) Every donation of blood, plasma, organs, skin, or other
3804 human tissue for transfusion or transplantation to another shall
3805 be tested prior to transfusion or other use for human
3806 immunodeficiency virus infection and other communicable diseases
3807 specified by rule of the Department of Health. Tests for the
3808 human immunodeficiency virus infection shall be performed only
3809 after obtaining written, informed consent from the potential
3810 donor or the donor's legal representative. Such consent may be
3811 given by a minor pursuant to s. 743.06. Obtaining consent shall
3812 include a fair explanation of the procedures to be followed and



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3813 the meaning and use of the test results. Such explanation shall
3814 include a description of the confidential nature of the test as
3815 described in s. 381.004(2) ~~381.004(3)~~. If consent for testing is
3816 not given, then the person shall not be accepted as a donor
3817 except as otherwise provided in subsection (3).

3818 (3) No person shall collect any blood, organ, skin, or
3819 other human tissue from one human being and hold it for, or
3820 actually perform, any implantation, transplantation,
3821 transfusion, grafting, or any other method of transfer to
3822 another human being without first testing such tissue for the
3823 human immunodeficiency virus and other communicable diseases
3824 specified by rule of the Department of Health, or without
3825 performing another process approved by rule of the Department of
3826 Health capable of killing the causative agent of those diseases
3827 specified by rule. Such testing shall not be required:

3828 (c) When there is insufficient time to obtain the results
3829 of a confirmatory test for any tissue or organ which is to be
3830 transplanted, notwithstanding the provisions of s. 381.004(2)(d)
3831 ~~381.004(3)(d)~~. In such circumstances, the results of preliminary
3832 screening tests may be released to the potential recipient's
3833 treating physician for use in determining organ or tissue
3834 suitability.

3835 (9) All blood banks shall be governed by the
3836 confidentiality provisions of s. 381.004(2) ~~381.004(3)~~.

3837 Section 119. Paragraph (b) of subsection (3) of section
3838 384.25, Florida Statutes, is amended to read:

3839 384.25 Reporting required.—

3840 (3) To ensure the confidentiality of persons infected with
3841 the human immunodeficiency virus (HIV), reporting of HIV



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3842 infection and AIDS must be conducted using a system developed by
3843 the Centers for Disease Control and Prevention of the United
3844 States Public Health Service or an equivalent system.

3845 (b) The reporting may not affect or relate to anonymous HIV
3846 testing programs conducted pursuant to s. 381.004(3) ~~381.004(4)~~.

3847 Section 120. Subsection (5) of section 392.56, Florida
3848 Statutes, is amended to read:

3849 392.56 Hospitalization, placement, and residential
3850 isolation.—

3851 (5) If the department petitions the circuit court to order
3852 that a person who has active tuberculosis be hospitalized in a
3853 facility operated under s. 392.62~~(2)~~, the department shall
3854 notify the facility of the potential court order.

3855 Section 121. Subsection (2) of section 456.032, Florida
3856 Statutes, is amended to read:

3857 456.032 Hepatitis B or HIV carriers.—

3858 (2) Any person licensed by the department and any other
3859 person employed by a health care facility who contracts a blood-
3860 borne infection shall have a rebuttable presumption that the
3861 illness was contracted in the course and scope of his or her
3862 employment, provided that the person, as soon as practicable,
3863 reports to the person's supervisor or the facility's risk
3864 manager any significant exposure, as that term is defined in s.
3865 381.004(1)(c) ~~381.004(2)(e)~~, to blood or body fluids. The
3866 employer may test the blood or body fluid to determine if it is
3867 infected with the same disease contracted by the employee. The
3868 employer may rebut the presumption by the preponderance of the
3869 evidence. Except as expressly provided in this subsection, there
3870 shall be no presumption that a blood-borne infection is a job-



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3871 related injury or illness.

3872 Section 122. Subsection (15) of section 499.003, Florida
3873 Statutes, is amended to read:

3874 499.003 Definitions of terms used in this part.—As used in
3875 this part, the term:

3876 (15) "Department" means the Department of Business and
3877 Professional Regulation ~~Department of Health~~.

3878 Section 123. Subsection (2) of section 499.601, Florida
3879 Statutes, is amended to read:

3880 499.601 Legislative intent; construction.—

3881 (2) The provisions of this part are cumulative and shall
3882 not be construed as repealing or affecting any powers, duties,
3883 or authority of the department ~~of Health~~ under any other law of
3884 this state; except that, with respect to the regulation of ether
3885 as herein provided, in instances in which the provisions of this
3886 part may conflict with any other such law, the provisions of
3887 this part shall control.

3888 Section 124. Subsection (2) of section 499.61, Florida
3889 Statutes, is amended to read:

3890 499.61 Definitions.—As used in this part:

3891 (2) "Department" means the Department of Business and
3892 Professional Regulation ~~Department of Health~~.

3893 Section 125. Subsection (2) of section 513.10, Florida
3894 Statutes, is amended to read:

3895 513.10 Operating without permit; enforcement of chapter;
3896 penalties.—

3897 (2) This chapter or rules adopted under this chapter may be
3898 enforced in the manner provided in s. 381.0012 and as provided
3899 in this chapter. Violations of this chapter and the rules



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3900 adopted under this chapter are subject to the penalties provided
3901 in this chapter and in s. ~~ss. 381.0025~~ and 381.0061.

3902 Section 126. Paragraph (b) of subsection (9) of section
3903 768.28, Florida Statutes, is amended to read:

3904 768.28 Waiver of sovereign immunity in tort actions;
3905 recovery limits; limitation on attorney fees; statute of
3906 limitations; exclusions; indemnification; risk management
3907 programs.—

3908 (9)

3909 (b) As used in this subsection, the term:

3910 1. "Employee" includes any volunteer firefighter.

3911 2. "Officer, employee, or agent" includes, but is not
3912 limited to, any health care provider when providing services
3913 pursuant to s. 766.1115; ~~any member of the Florida Health~~
3914 ~~Services Corps, as defined in s. 381.0302, who provides~~
3915 ~~uncompensated care to medically indigent persons referred by the~~
3916 ~~Department of Health;~~ any nonprofit independent college or
3917 university located and chartered in this state which owns or
3918 operates an accredited medical school, and its employees or
3919 agents, when providing patient services pursuant to paragraph
3920 (10) (f); and any public defender or her or his employee or
3921 agent, including, among others, an assistant public defender and
3922 an investigator.

3923 Section 127. Subsection (1) of section 775.0877, Florida
3924 Statutes, is amended to read:

3925 775.0877 Criminal transmission of HIV; procedures;
3926 penalties.—

3927 (1) In any case in which a person has been convicted of or
3928 has pled nolo contendere or guilty to, regardless of whether



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3929 adjudication is withheld, any of the following offenses, or the
3930 attempt thereof, which offense or attempted offense involves the
3931 transmission of body fluids from one person to another:

3932 (a) Section 794.011, relating to sexual battery;

3933 (b) Section 826.04, relating to incest;

3934 (c) Section 800.04, relating to lewd or lascivious offenses
3935 committed upon or in the presence of persons less than 16 years
3936 of age;

3937 (d) Sections 784.011, 784.07(2)(a), and 784.08(2)(d),
3938 relating to assault;

3939 (e) Sections 784.021, 784.07(2)(c), and 784.08(2)(b),
3940 relating to aggravated assault;

3941 (f) Sections 784.03, 784.07(2)(b), and 784.08(2)(c),
3942 relating to battery;

3943 (g) Sections 784.045, 784.07(2)(d), and 784.08(2)(a),
3944 relating to aggravated battery;

3945 (h) Section 827.03(1), relating to child abuse;

3946 (i) Section 827.03(2), relating to aggravated child abuse;

3947 (j) Section 825.102(1), relating to abuse of an elderly
3948 person or disabled adult;

3949 (k) Section 825.102(2), relating to aggravated abuse of an
3950 elderly person or disabled adult;

3951 (l) Section 827.071, relating to sexual performance by
3952 person less than 18 years of age;

3953 (m) Sections 796.03, 796.07, and 796.08, relating to
3954 prostitution; or

3955 (n) Section 381.0041(11)(b), relating to donation of blood,
3956 plasma, organs, skin, or other human tissue,

3957



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3958 the court shall order the offender to undergo HIV testing, to be
3959 performed under the direction of the Department of Health in
3960 accordance with s. 381.004, unless the offender has undergone
3961 HIV testing voluntarily or pursuant to procedures established in
3962 s. 381.004(2)(h)6. ~~381.004(3)(h)6.~~ or s. 951.27, or any other
3963 applicable law or rule providing for HIV testing of criminal
3964 offenders or inmates, subsequent to her or his arrest for an
3965 offense enumerated in paragraphs (a)-(n) for which she or he was
3966 convicted or to which she or he pled nolo contendere or guilty.
3967 The results of an HIV test performed on an offender pursuant to
3968 this subsection are not admissible in any criminal proceeding
3969 arising out of the alleged offense.

3970 Section 128. Except as otherwise expressly provided in this
3971 act, this act shall take effect upon becoming a law.

3972
3973 ===== T I T L E A M E N D M E N T =====

3974 And the title is amended as follows:

3975 Delete everything before the enacting clause
3976 and insert:

3977 A bill to be entitled
3978 An act relating to the Department of Health; amending
3979 s. 20.43, F.S.; revising the purpose of the
3980 department; revising duties of the State Surgeon
3981 General; eliminating the Officer of Women's Health
3982 Strategy; revising divisions within the department;
3983 amending s. 20.435, F.S.; eliminating the Florida
3984 Drug, Device, and Cosmetic Trust Fund as a trust fund
3985 under the department; amending s. 154.05, F.S.;
3986 providing that two or more counties may combine for



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3987 the operation of a county health department under
3988 certain circumstances; providing criteria for such an
3989 agreement; specifying that an interlocal agreement may
3990 only be terminated at the end of a contract year;
3991 requiring the parties to give written notice to the
3992 department no less than 90 days before the
3993 termination; amending s. 215.5602, F.S.; conforming
3994 references; amending s. 381.001, F.S.; revising
3995 legislative intent; requiring the Department of Health
3996 to be responsible for the state public health system;
3997 requiring the department to provide leadership for a
3998 partnership involving federal, state, and local
3999 government and the private sector to accomplish public
4000 health goals; amending s. 381.0011, F.S.; revising
4001 duties and powers of the department; repealing s.
4002 381.0013, F.S., relating to the department's authority
4003 to exercise the power of eminent domain; repealing s.
4004 381.0014, F.S., relating to department rules that
4005 superseded regulations and ordinances enacted by other
4006 state departments, boards or commissions, or
4007 municipalities; repealing s. 381.0015, F.S., relating
4008 to judicial presumptions regarding the department's
4009 authority to enforce public health rules; amending s.
4010 381.0016, F.S.; allowing a county to enact health
4011 regulations and ordinances consistent with state law;
4012 repealing s. 381.0017, F.S., relating to the purchase,
4013 lease, and sale of real property by the department;
4014 repealing s. 381.0025, F.S., relating to penalties;
4015 amending s. 381.003, F.S.; revising provisions



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4016 relating to the department's responsibility for
4017 communicable disease prevention and control programs;
4018 amending s. 381.0031, F.S.; permitting the department
4019 to conduct studies concerning epidemiology of diseases
4020 of public health significance; specifying that the
4021 list of diseases of public health significance is
4022 based on the recommendations to be nationally
4023 notifiable by the Council of State and Territorial
4024 Epidemiologists and the Centers for Disease Control
4025 and Prevention; authorizing the department to expand
4026 the list if a disease emerges for which regular,
4027 frequent and timely information regarding individual
4028 cases is considered necessary for the prevention and
4029 control of a disease specific to Florida; amending s.
4030 381.00315, F.S.; authorizing the department to
4031 declare, enforce, modify, and abolish quarantines of
4032 persons, animals, and premises for controlling
4033 communicable diseases or providing protection from
4034 unsafe conditions that pose a threat to public health;
4035 requiring the department to establish rules for
4036 conditions and procedures for imposing and releasing a
4037 quarantine; requiring specific provisions to be
4038 included in rules; providing that the rules
4039 established under this section supersede all rules
4040 enacted by other state agencies, boards, or political
4041 subdivisions; providing that a violation of the rules
4042 established under the section, a quarantine, or
4043 requirement adopted pursuant to a declared public
4044 health emergency is a second-degree misdemeanor;



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4045 providing penalties; repealing s. 381.0032, F.S.,
4046 relating to epidemiological research; repealing s.
4047 381.00325, F.S., relating to the Hepatitis A awareness
4048 program; amending s. 381.0034, F.S.; deleting an
4049 obsolete qualifying date reference; repealing s.
4050 381.0037, F.S., relating to legislative findings and
4051 intent with respect to AIDS; amending s. 381.004,
4052 F.S.; deleting legislative intent; conforming cross-
4053 references; amending 381.0046, F.S.; requiring the
4054 department to establish dedicated HIV and AIDS
4055 regional and statewide minority coordinators; deleting
4056 the requirement that the statewide director report to
4057 the chief of the Bureau of HIV and AIDS within the
4058 department; amending s. 381.0051, F.S.; deleting
4059 legislative intent for the Comprehensive Family
4060 Planning Act; amending s. 381.0052, F.S., relating to
4061 the "Public Health Dental Program Act"; repealing
4062 unused department rulemaking authority; amending s.
4063 381.0053, F.S., relating to the comprehensive
4064 nutrition program; repealing unused department
4065 rulemaking authority; repealing s. 381.0054, F.S.,
4066 relating to healthy lifestyles promotion by the
4067 department; amending s. 381.0056, F.S., relating to
4068 the "School Health Services Act"; deleting legislative
4069 findings; deleting the requirement that school health
4070 programs funded by health care districts or entities
4071 be supplementary to and consistent with the act and
4072 other applicable statutes; amending s. 381.0057, F.S.,
4073 relating to funding for school health services;



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4074 deleting legislative intent; amending s. 381.00591,
4075 F.S.; permitting the department to apply for and
4076 become a National Environmental Laboratory
4077 Accreditation Program accreditation body; eliminating
4078 rulemaking authority of the department to implement
4079 standards of the National Environmental Laboratory
4080 Accreditation Program; amending s. 381.00593, F.S.;
4081 removing unused rulemaking authority relating to the
4082 public school volunteer health care practitioner
4083 program; amending s. 381.0062, F.S., relating to the
4084 "Comprehensive Family Planning Act"; deleting
4085 legislative intent; conforming a cross-reference;
4086 amending s. 381.0065, F.S., relating to regulation of
4087 onsite sewage treatment and disposal systems; deleting
4088 legislative intent; defining the term "bedroom";
4089 conforming cross-references; conforming provisions to
4090 changes made by the act; providing for any permit
4091 issued and approved by the Department of Health for
4092 the installation, modification, or repair of an onsite
4093 sewage treatment and disposal system to transfer with
4094 the title of the property; providing conditions under
4095 which governmental entities are prohibited from
4096 requiring certain inspections and systems; providing
4097 applicability; providing an exception; providing
4098 circumstances in which an onsite sewage treatment and
4099 disposal system is not considered abandoned; providing
4100 for the validity of an onsite sewage treatment and
4101 disposal system permit if rules change before final
4102 approval of the constructed system, under certain



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4103 conditions; providing that a system modification,
4104 replacement, or upgrade is not required unless a
4105 bedroom is added to a single-family home; deleting
4106 provisions requiring the department to administer an
4107 evaluation and assessment program of onsite sewage
4108 treatment and disposal systems and requiring property
4109 owners to have such systems evaluated at least once
4110 every 5 years; deleting obsolete provisions; creating
4111 s. 381.00651, F.S.; requiring a county or municipality
4112 containing a first magnitude spring to adopt by
4113 ordinance, under certain circumstances, the program
4114 for the periodic evaluation and assessment of onsite
4115 sewage treatment and disposal systems; requiring the
4116 county or municipality to notify the Secretary of
4117 State of the ordinance; authorizing a county or
4118 municipality, in specified circumstances, to opt out
4119 by a vote of 60 percent of the governing board;
4120 authorizing a county or municipality to adopt or
4121 repeal, after a specified date, an ordinance creating
4122 an evaluation and assessment program, subject to
4123 notification of the Secretary of State; providing
4124 criteria for evaluations, qualified contractors, and
4125 repair of systems; providing for certain procedures
4126 and exemptions in special circumstances; defining the
4127 term "system failure"; requiring that certain
4128 procedures be used for conducting tank and drainfield
4129 evaluations; providing for certain procedures in
4130 special circumstances; providing for contractor
4131 immunity from liability under certain conditions;



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4132 providing for assessment procedures; providing
4133 requirements for county health departments; requiring
4134 the Department of Health to allow county health
4135 departments and qualified contractors to access the
4136 state database to track data and evaluation reports;
4137 requiring counties and municipalities to notify the
4138 Secretary of Environmental Protection and the
4139 Department of Health when an evaluation program
4140 ordinance is adopted; requiring the Department of
4141 Environmental Protection to notify those counties or
4142 municipalities of the use of, and access to, certain
4143 state and federal program funds and to provide certain
4144 guidance and technical assistance upon request;
4145 prohibiting the adoption of certain rules by the
4146 Department of Health; providing for applicability;
4147 repealing s. 381.00656, F.S., relating to a grant
4148 program for the repair of onsite sewage treatment and
4149 disposal systems; amending s. 381.0066, F.S.; lowering
4150 the fees imposed by the department for certain
4151 permits; conforming cross-references; amending s.
4152 381.0068, F.S.; deleting a date by which a technical
4153 review and advisory panel must be established within
4154 the department for assistance with rule adoption;
4155 deleting the authority of the chair of the panel to
4156 advise affected persons or the Legislature of the
4157 panel's position on legislation, proposed state
4158 policy, or other issue; amending s. 381.0072, F.S.;
4159 revising the definition of the term "food
4160 establishment" to include certain facilities



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4161 participating in the United States Department of
4162 Agriculture Afterschool Meal Program; amending s.
4163 381.00781, F.S.; eliminating authority of the
4164 department to annually adjust maximum fees according
4165 to the Consumer Price Index; amending s. 381.0086,
4166 F.S.; revising department rulemaking authority
4167 relating to migrant farmworkers and other migrant
4168 labor camp or residential migrant housing occupants;
4169 removing lighting and maintenance and operation of
4170 roads from the list of health and safety standards to
4171 be created by the department; conforming a cross-
4172 reference; amending s. 381.0098, F.S.; deleting
4173 legislative intent with respect to standards for the
4174 safe packaging, transport, storage, treatment, and
4175 disposal of biomedical waste; conforming a cross-
4176 reference; amending s. 381.0101, F.S.; deleting
4177 legislative intent regarding certification of
4178 environmental health professionals; providing for the
4179 State Surgeon General, rather than the Division
4180 Director for Emergency Preparedness and Community
4181 Support, to serve on an environmental health
4182 professionals advisory board; conforming a cross-
4183 reference; amending s. 381.0203, F.S.; eliminating the
4184 regulation of drugs, cosmetics, and household products
4185 under ch. 499, F.S., from the pharmacy services
4186 program; eliminating the contraception distribution
4187 program at county health departments; amending s.
4188 381.0261, F.S.; requiring the department, rather than
4189 the Agency for Health Care Administration, to publish



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4190 a summary of the Florida Patient's Bill of Rights and
4191 Responsibilities on its Internet website; deleting the
4192 requirement to print and distribute the summary;
4193 repealing s. 381.0301, F.S., relating to the Centers
4194 for Disease Control and Prevention, the State
4195 University System, Florida medical schools, and the
4196 College of Public Health of the University of South
4197 Florida; deleting the requirement that the College of
4198 Public Health be consulted by state officials in the
4199 management of public health; repealing s. 381.0302,
4200 F.S.; eliminating the Florida Health Services Corps;
4201 amending s. 381.0303, F.S.; eliminating the
4202 requirement that the Special Needs Shelter Interagency
4203 Committee submit recommendations to the Legislature;
4204 repealing s. 381.04015, F.S.; eliminating the Women's
4205 Health Strategy Office and Officer of Women's Health
4206 Strategy; amending s. 381.0403, F.S., relating to the
4207 "Community Hospital Education Act"; deleting
4208 legislative findings and intent; revising the mission
4209 of the program; requiring minimum funding for graduate
4210 education in family practice; deleting reference to an
4211 intent to establish a statewide graduate medical
4212 education program; amending s. 381.0405, F.S.;
4213 deleting an appropriation to the Office of Rural
4214 Health; amending s. 381.0406, F.S.; deleting
4215 unnecessary introductory language in provisions
4216 relating to rural health networks; repealing s.
4217 381.0407, F.S., to eliminate the mandatory payment of
4218 claims from public health care providers and county



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4219 health departments by managed care plans; repealing s.
4220 381.045, F.S.; eliminating department authority to
4221 provide services to certain health care providers
4222 infected with Hepatitis B or HIV; amending s.
4223 381.06015, F.S.; deleting obsolete provision that
4224 requires the department, the Agency for Health Care
4225 Administration, and private consortium members seeking
4226 private or federal funds to initiate certain program
4227 actions relating to the Public Cord Blood Tissue Bank;
4228 repealing s. 381.0605, F.S., relating to designating
4229 the Agency for Health Care Administration as the state
4230 agency to administer the Federal Hospital and Medical
4231 Facilities Amendments of 1964; eliminating authority
4232 of the Governor to provide for administration of the
4233 amendments; repealing ss. 381.1001-381.103, F.S., the
4234 Florida Community Health Protection Act; amending s.
4235 381.4018, F.S.; deleting legislative findings and
4236 intent with respect to physician workforce assessment
4237 and development; conforming a cross-reference;
4238 repealing s. 381.60225, F.S., to eliminate background
4239 screening requirements for health care professionals
4240 and owners, operators, and employees of certain health
4241 care providers, services, and programs; repealing ss.
4242 381.732-381.734, F.S., the "Healthy People, Healthy
4243 Communities Act"; amending s. 381.7352, F.S.; deleting
4244 legislative findings relating to the "Reducing Racial
4245 and Ethnic Health Disparities: Closing the Gap Act";
4246 amending s. 381.7353, F.S.; removing the authority of
4247 the State Surgeon General to appoint an ad hoc



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4248 committee to study certain aspects of racial and
4249 ethnic health outcome disparities and make
4250 recommendations; amending s. 381.7356, F.S.; deleting
4251 a provision requiring dissemination of Closing the Gap
4252 grant awards to begin on a date certain; amending s.
4253 381.765, F.S.; repealing unused rulemaking authority
4254 relating to records and recordkeeping for department-
4255 owned property; repealing s. 381.77, F.S., to
4256 eliminate the annual survey of nursing home residents
4257 age 55 and under; repealing s. 381.795, F.S., to
4258 eliminate the requirement that the department
4259 establish a program of long-term community-based
4260 supports and services for individuals with traumatic
4261 brain or spinal cord injuries; amending s. 381.853,
4262 F.S.; deleting legislative findings relating to brain
4263 tumor research; repealing s. 381.855, F.S., which
4264 established the Florida Center for Universal Research
4265 to Eradicate Disease; repealing s. 381.87, F.S., to
4266 eliminate the osteoporosis prevention and education
4267 program; repealing s. 381.90, F.S., to eliminate the
4268 Health Information Systems Council; amending s.
4269 381.91, F.S., relating to the Jesse Trice Cancer
4270 Program; revising legislative intent; amending
4271 381.922, F.S.; conforming a reference; amending s.
4272 383.011, F.S.; requiring the Department of Health to
4273 establish an interagency agreement with the Department
4274 of Children and Family Services for management of the
4275 Special Supplemental Nutrition program for Women,
4276 Infants, and Children; specifying responsibilities of



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4277 each department; creating s. 383.141, F.S.; providing
4278 legislative findings; providing definitions; requiring
4279 that health care providers provide pregnant women with
4280 current information about the nature of the
4281 developmental disabilities tested for in certain
4282 prenatal tests, the accuracy of such tests, and
4283 resources for obtaining support services for Down
4284 syndrome and other prenatally diagnosed developmental
4285 disabilities; providing duties for the Department of
4286 Health concerning establishment of an information
4287 clearinghouse; creating an advocacy council within the
4288 Department of Health to provide technical assistance
4289 in forming the clearinghouse; providing membership for
4290 the council; providing duties of the council;
4291 providing terms for members of the council; providing
4292 for election of a chairperson and vice chairperson;
4293 providing meeting times for the council; requiring the
4294 members to serve without compensation or reimbursement
4295 for travel expenses; authorizing meetings by
4296 teleconference or other electronic means; requiring
4297 the Department of Health to provide administrative
4298 support; repealing s. 385.210, F.S., the Arthritis
4299 Prevention and Education Act by a specific date;
4300 amending s. 391.016, F.S.; clarifying the purposes and
4301 functions of the Children's Medical Services program;
4302 requiring the coordination and maintenance of a
4303 medical home for participating children; amending s.
4304 391.021, F.S.; revising definitions; amending s.
4305 391.025, F.S.; revising the components of the



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4306 Children's Medical Services program; amending s.
4307 391.026, F.S.; revising the powers and duties of the
4308 department in administering the Children's Medical
4309 Services network; amending s. 391.028, F.S.;
4310 eliminating the central office and area offices of the
4311 Children's Medical Services program; authorizing the
4312 Director of Children's Medical Services to appoint
4313 necessary staff and contract with providers to
4314 establish a system to provide certain program
4315 activities on a statewide basis; amending s. 391.029,
4316 F.S.; specifying eligibility for services provided
4317 under the Children's Medical Services program;
4318 clarifying who may receive services under the program;
4319 deleting the requirement that the department determine
4320 financial and medical eligibility for program;
4321 deleting the requirement that the department determine
4322 the financial ability of parents to pay for services;
4323 eliminating discretion of the department to pay
4324 reasonable travel expenses; amending s. 391.0315,
4325 F.S.; deleting a prohibition against a child eligible
4326 under Title XIX or XXI of the Social Security Act from
4327 receiving services under the program until the child
4328 is enrolled in Medicaid or a Title XXI program;
4329 amending s. 392.51, F.S., relating to tuberculosis
4330 control; removing legislative findings and intent;
4331 amending s. 392.61, F.S.; eliminating the requirement
4332 that the department develop a methodology for
4333 distributing funds appropriated for community
4334 tuberculosis control programs; amending s. 392.62,



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4335 F.S.; requiring a contractor to use licensed community
4336 hospitals and other facilities for the care and
4337 treatment of persons who have active tuberculosis or a
4338 history of noncompliance with prescribed drug regimens
4339 and require inpatient or other residential services;
4340 removing authority of the department to operate a
4341 licensed hospital to treat tuberculosis patients;
4342 requiring the tuberculosis control program to fund
4343 participating facilities; requiring facilities to meet
4344 specific conditions; requiring the department to
4345 develop a transition plan for the closure of A.G.
4346 Holley State Hospital; specifying content of
4347 transition plan; requiring submission of the plan to
4348 the Governor and Legislature; requiring full
4349 implementation of the transition plan by a certain
4350 date; amending s. 401.243, F.S.; repealing unused
4351 rulemaking authority governing the implementation of
4352 injury-prevention grant programs; amending s. 401.245,
4353 F.S.; repealing unused rulemaking authority relating
4354 to operating procedures for the Emergency Medical
4355 Services Advisory Council; amending s. 401.271, F.S.;
4356 repealing unused rulemaking authority relating to an
4357 exemption for the spouse of a member of the Armed
4358 Forces of the United States on active duty from
4359 certification renewal provisions while the spouse is
4360 absent from the state because of the member's active
4361 duty with the Armed Forces; repealing s. 402.45, F.S.;
4362 repealing unused rulemaking authority relating to the
4363 community resource mother or father program; amending



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4364 s. 403.863, F.S.; directing the department to contract
4365 to perform state public water supply laboratory
4366 certification application review and evaluation and
4367 laboratory inspections; adding certain actions to the
4368 list of acts constituting grounds for which
4369 disciplinary actions may be taken under the section;
4370 amending ss. 400.914 and 409.256, F.S.; conforming
4371 references; amending ss. 458.309 and 459.005, F.S.;
4372 requiring that a physician or osteopathic physician
4373 who performs certain medical procedures in an office
4374 setting register the office with the Department of
4375 Health unless that office is licensed as a facility
4376 under ch. 395, F.S., relating to hospital licensing
4377 and regulation; repealing s. 458.346, F.S., which
4378 created the Public Sector Physician Advisory Committee
4379 and established its responsibilities; amending s.
4380 462.19, F.S., relating to the renewal of licenses for
4381 practitioners of naturopathy; repealing unused
4382 rulemaking authority; amending s. 464.019, F.S.,
4383 requiring the Board of Nursing to deny a program
4384 application for new prelicensure nursing education
4385 program while the existing program is on probationary
4386 status; repealing s. 464.0197, F.S., relating to state
4387 budget support for the Florida Center for Nursing;
4388 amending s. 464.203, F.S.; revising the certification
4389 requirements for certified nursing assistants;
4390 amending s. 464.208, F.S.; repealing unused rulemaking
4391 authority relating to background screening information
4392 of certified nursing assistants; repealing s.



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4393 466.00775, F.S., relating to unused rulemaking
4394 authority relating to dental health access and dental
4395 laboratory registration provisions; amending ss.
4396 212.08, 499.003, 499.601, and 499.61, F.S.; updating
4397 departmental designation; amending s. 514.011, F.S.;
4398 revising the definition of "public bathing place";
4399 amending s. 514.021, F.S.; restricting rulemaking
4400 authority of the department; limiting scope of
4401 standards for public pools and public bathing places;
4402 prohibiting the department from adopting by rule any
4403 regulation regarding the design, alteration, or repair
4404 of a public pool or public bathing; eliminating
4405 authority of the department to review plans, issue
4406 approvals, and enforce occupancy provisions of the
4407 Florida Building Code; amending s. 514.023, F.S.;
4408 adding public bathing places to the provisions
4409 allowing sampling of beach waters to determine
4410 sanitation and allowing health advisories to be issued
4411 for elevated levels of bacteria in such waters;
4412 deleting an obsolete provision; amending s. 514.025,
4413 F.S.; requiring the department to review applications
4414 and plans for the construction or placement of public
4415 pools or bathing places; providing for the department
4416 to review applications and plans if no qualified staff
4417 are employed at the county health department;
4418 establishing that the department is responsible to
4419 monitor water quality in public pools and bathing
4420 places; amending s. 514.03, F.S.; permitting local
4421 governments or local enforcement districts to



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4422 determine compliance with general construction
4423 provisions of the Florida Building Code; permitting
4424 local governments or local enforcement districts to
4425 conduct plan reviews and inspections of public pools
4426 and bathing places to determine compliance;
4427 eliminating an application process for review of
4428 building plans for a public pool or bathing place by
4429 the department; amending s. 514.031, F.S.; requiring a
4430 valid permit from the department to operate a public
4431 pool; revising the list of documents that must
4432 accompany an application for a permit to operate a
4433 public pool; providing the department with authority
4434 to review, approve, and deny an application for a
4435 permit to operate a public pool; amending s. 514.033,
4436 F.S.; deleting authority of the department to
4437 establish a fee schedule; requiring fees collected by
4438 the department or county health department to be
4439 deposited into the Grants and Donations Trust Fund or
4440 the County Health Department Trust Fund; amending s.
4441 514.05, F.S.; requiring all amounts collected to be
4442 deposited in the Grants and Donations Trust Fund or
4443 the County Health Department Trust Fund; granting the
4444 county health department the authority to close a
4445 public pool that is not in compliance with ch. 514,
4446 F.S., or applicable rules; amending s. 514.06, F.S.;
4447 deeming a public pool or bathing place to present a
4448 significant risk to public health by failing to meet
4449 sanitation and safety to be a public nuisance;
4450 allowing for a public nuisance to be abated or



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4451 enjoined; amending s. 633.115, F.S.; making conforming
4452 changes; amending s. 1009.66, F.S.; reassigning
4453 responsibility for the Nursing Student Loan
4454 Forgiveness Program from the Department of Health to
4455 the Department of Education; amending s. 1009.67,
4456 F.S.; reassigning responsibility for the nursing
4457 scholarship program from the Department of Health to
4458 the Department of Education; providing type two
4459 transfers of the programs; providing for transfer of a
4460 trust fund; providing applicability to contracts;
4461 authorizing transfer of funds and positions between
4462 departments; requiring the Division of Medical Quality
4463 and Assurance to create a plan to improve efficiency
4464 of the function of the division; directing the
4465 division to take certain actions in creating the plan;
4466 directing the division to address particular topics in
4467 the plan; requiring all executive branch agencies to
4468 assist the department in creating the plan; requesting
4469 all other state agencies to assist the department in
4470 creating the plan; amending ss. 154.503, 381.0041,
4471 384.25, 392.56, 395.1027, 411.203, 456.032, 513.10,
4472 768.28, and 775.0877, F.S.; conforming cross-
4473 references; providing effective dates.