

COMMITTEE MEETING REPORT
Health & Human Services Committee
2/27/2012 2:00:00PM

Location: 404 HOB

Summary:

Health & Human Services Committee

Monday February 27, 2012 02:00 pm

CS/HB 309	Favorable	Yeas: 17	Nays: 0
CS/CS/HB 363	Favorable With Committee Substitute	Yeas: 17	Nays: 0
Amendment 084587	Adopted Without Objection		
CS/HB 475	Favorable With Committee Substitute	Yeas: 17	Nays: 0
Amendment 233339	Adopted Without Objection		
Amendment 141197	Adopted Without Objection		
HB 519	Favorable	Yeas: 17	Nays: 0
CS/CS/HB 625	Favorable With Committee Substitute	Yeas: 17	Nays: 0
Amendment 410095	Adopted as Amended		
Amendment 398343	Adopted Without Objection		
Amendment 937281	Adopted Without Objection		
CS/HB 1195	Favorable	Yeas: 16	Nays: 0
CS/CS/HB 1263	Favorable With Committee Substitute	Yeas: 12	Nays: 6
Amendment 194335	Adopted as Amended		
Amendment 047141	Adopted Without Objection		
Amendment 894773	Adopted Without Objection		
Amendment 443871	Adopted Without Objection		
Amendment 572061	Adopted Without Objection		
Amendment 194753	Failed to Adopt		
Amendment 640727	Withdrawn		
CS/HB 1313	Favorable	Yeas: 17	Nays: 0
PCB HHSC 12-05	Favorable	Yeas: 12	Nays: 6
PCS for HB 727	Favorable With Amendments	Yeas: 11	Nays: 6
Amendment PCS For HB 727a a1	Adopted Without Objection		

Committee meeting was reported out: Monday, February 27, 2012 8:45:26PM

COMMITTEE MEETING REPORT
Health & Human Services Committee

2/27/2012 2:00:00PM

Location: 404 HOB

Attendance:

	<i>Present</i>	<i>Absent</i>	<i>Excused</i>
Robert Schenck (Chair)	X		
Dennis Baxley	X		
Mack Bernard	X		
Jason Brodeur	X		
Richard Corcoran	X		
Janet Cruz	X		
Eduardo Gonzalez	X		
Gayle Harrell	X		
Doug Holder	X		
Matt Hudson	X		
Mia Jones	X		
Ana Logan	X		
Mark Pafford	X		
Ronald Renuart	X		
Elaine Schwartz	X		
Carlos Trujillo	X		
Barbara Watson	X		
John Wood	X		
Totals:	18	0	0

Committee meeting was reported out: Monday, February 27, 2012 8:45:26PM

COMMITTEE MEETING REPORT
Health & Human Services Committee
2/27/2012 2:00:00PM

Location: 404 HOB

CS/HB 309 : Radiological Personnel

Favorable

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Dennis Baxley	X				
Mack Bernard	X				
Jason Brodeur	X				
Richard Corcoran				X	
Janet Cruz	X				
Eduardo Gonzalez	X				
Gayle Harrell	X				
Doug Holder	X				
Matt Hudson	X				
Mia Jones	X				
Ana Logan	X				
Mark Pafford	X				
Ronald Renuart	X				
Elaine Schwartz	X				
Carlos Trujillo	X				
Barbara Watson	X				
John Wood	X				
Robert Schenck (Chair)	X				
Total Yeas: 17		Total Nays: 0			

Appearances:

Pitts, Brian - Waive In Support
 Justice-2-Jesus
 1119 Newton Ave. S.
 St. Petersburg FL 33705
 Phone: (727) 897-9291

Committee meeting was reported out: Monday, February 27, 2012 8:45:26PM

COMMITTEE MEETING REPORT
Health & Human Services Committee

2/27/2012 2:00:00PM

Location: 404 HOB

CS/CS/HB 363 : Physician Assistants

Favorable With Committee Substitute

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Dennis Baxley	X				
Mack Bernard	X				
Jason Brodeur	X				
Richard Corcoran				X	
Janet Cruz	X				
Eduardo Gonzalez	X				
Gayle Harrell	X				
Doug Holder	X				
Matt Hudson	X				
Mia Jones	X				
Ana Logan	X				
Mark Pafford	X				
Ronald Renuart	X				
Elaine Schwartz	X				
Carlos Trujillo	X				
Barbara Watson	X				
John Wood	X				
Robert Schenck (Chair)	X				
Total Yeas: 17		Total Nays: 0			

CS/CS/HB 363 Amendments

Amendment 084587

Adopted Without Objection

Appearances:

Whittaker, Stan - Waive In Support
 FI Council Advance Practice Nurses
 6294 NW Torreya Pk Rd
 Bristol FL
 Phone: (850) 643-2427

Pitts, Brian - Opponent
 Justice-2-Jesus
 1119 Newton Ave. S.
 St. Petersburg FL 33705
 Phone: (727) 897-9291

Winn, Stephen (Lobbyist) - Waive In Support
 Florida Osteopathic Medical Association
 2007 Apalachee Pky
 Tallahassee FL 32301
 Phone: (850) 878-7364

Committee meeting was reported out: Monday, February 27, 2012 8:45:26PM

COMMITTEE MEETING REPORT
Health & Human Services Committee

2/27/2012 2:00:00PM

Location: 404 HOB

CS/CS/HB 363 : Physician Assistants (continued)

Appearances: (continued)

Mixon, Corinne (Lobbyist) - Waive In Support
Florida Academy of Physician Assistants
119 E. Park Avenue
Tallahassee FL 32301
Phone: (850) 766-5795

Committee meeting was reported out: Monday, February 27, 2012 8:45:26PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 363 (2012)

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	<input checked="" type="checkbox"/>	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

1 Committee/Subcommittee hearing bill: Health & Human Services
2 Committee
3 Representative Kreegel offered the following:

Amendment (with directory amendment)

6 Remove lines 30-49 and lines 198-211

9 **D I R E C T O R Y A M E N D M E N T**

10 Remove lines 2-6 and insert:

11 An act relating to physician assistants; amending
12

COMMITTEE MEETING REPORT
Health & Human Services Committee

2/27/2012 2:00:00PM

Location: 404 HOB

CS/HB 475 : Blood Establishments

Favorable With Committee Substitute

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Dennis Baxley	X				
Mack Bernard	X				
Jason Brodeur	X				
Richard Corcoran				X	
Janet Cruz	X				
Eduardo Gonzalez	X				
Gayle Harrell	X				
Doug Holder	X				
Matt Hudson	X				
Mia Jones	X				
Ana Logan	X				
Mark Pafford	X				
Ronald Renuart	X				
Elaine Schwartz	X				
Carlos Trujillo	X				
Barbara Watson	X				
John Wood	X				
Robert Schenck (Chair)	X				
Total Yeas: 17		Total Nays: 0			

CS/HB 475 Amendments

Amendment 233339

Adopted Without Objection

Amendment 141197

Adopted Without Objection

Appearances:

Pitts, Brian - Waive In Support
 Justice-2-Jesus
 1119 Newton Ave. S.
 St. Petersburg FL 33705
 Phone: (727) 897-9291

Committee meeting was reported out: Monday, February 27, 2012 8:45:26PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 475 (2012)

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

1 Committee/Subcommittee hearing bill: Health & Human Services
2 Committee

3 Representative Eisnaugle offered the following:
4

5 **Amendment**

6 Remove line 240 and insert:

7 described in s. 499.003(54)(d) to a health care entity.

8 Provided, however, a mobile blood unit operated by a blood

9 establishment permitted hereunder is not required to be

10 separately permitted. The
11

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 475 (2012)

Amendment No. 2

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<input type="checkbox"/>	(Y/N)
ADOPTED AS AMENDED	<input type="checkbox"/>	(Y/N)
ADOPTED W/O OBJECTION	<input checked="" type="checkbox"/>	(Y/N)
FAILED TO ADOPT	<input type="checkbox"/>	(Y/N)
WITHDRAWN	<input type="checkbox"/>	(Y/N)
OTHER	<input type="checkbox"/>	

1 Committee/Subcommittee hearing bill: Health & Human Services
2 Committee

3 Representative Eisnaugle offered the following:

4
5 **Amendment**

6 Remove line 271 and insert:
7 together with specimens undergoing routine donor testing. The
8 blood establishment may purchase and possess the above-described
9 drugs without a health care clinic establishment permit.

10

COMMITTEE MEETING REPORT
Health & Human Services Committee

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Location: 404 HOB

HB 519 : Florida Healthy Kids Corporation

Favorable

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Dennis Baxley	X				
Mack Bernard	X				
Jason Brodeur	X				
Richard Corcoran				X	
Janet Cruz	X				
Eduardo Gonzalez	X				
Gayle Harrell	X				
Doug Holder	X				
Matt Hudson	X				
Mia Jones	X				
Ana Logan	X				
Mark Pafford	X				
Ronald Renuart	X				
Elaine Schwartz	X				
Carlos Trujillo	X				
Barbara Watson	X				
John Wood	X				
Robert Schenck (Chair)	X				
Total Yeas: 17		Total Nays: 0			

Appearances:

Hart, Joe Ann (Lobbyist) - Waive In Support
 Florida Dental Association
 118 E. Jefferson St.
 Tallahassee FL 32301
 Phone: (850) 224-1089

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COMMITTEE MEETING REPORT
Health & Human Services Committee

2/27/2012 2:00:00PM

Location: 404 HOB

CS/CS/HB 625 : Disposition of Human Remains

Favorable With Committee Substitute

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Dennis Baxley	X				
Mack Bernard	X				
Jason Brodeur	X				
Richard Corcoran				X	
Janet Cruz	X				
Eduardo Gonzalez	X				
Gayle Harrell	X				
Doug Holder	X				
Matt Hudson	X				
Mia Jones	X				
Ana Logan	X				
Mark Pafford	X				
Ronald Renuart	X				
Elaine Schwartz	X				
Carlos Trujillo	X				
Barbara Watson	X				
John Wood	X				
Robert Schenck (Chair)	X				
Total Yeas: 17		Total Nays: 0			

CS/CS/HB 625 Amendments

Amendment 410095

Adopted as Amended

Amendment 398343

Adopted Without Objection

Amendment 937281

Adopted Without Objection

Appearances:

McKeown, Georgia (Lobbyist) - Waive In Support
 Florida Cemetery, Cremation & Funeral Assoc.
 200 W College #225
 Tallahassee FL 32302
 Phone: (904) 303-1611

Committee meeting was reported out: Monday, February 27, 2012 8:45:26PM

COMMITTEE MEETING REPORT
Health & Human Services Committee

2/27/2012 2:00:00PM

Location: 404 HOB

CS/CS/HB 625 : Disposition of Human Remains (continued)

Appearances: (continued)

Mixon, John (Lobbyist) - Waive In Support
Independent Funeral Directors of Florida
119 East Park Avenue
Tallahassee FL 32301
Phone: (850) 222-2591

Swain, Charles (Lobbyist) - Waive In Support
Florida Funeral and Cemetery Consumer Advocacy, Inc
1006 Buena Vista Dr
Tallahassee FL 32304-1810
Phone: (850) 567-2541

Wildamuth, Heather (Lobbyist) - Waive In Support
Florida Association of Counties
100 S Monroe St
Tallahassee FL 32301
Phone: (850)922-4300

Romrell, Lynn (State Employee) - Waive In Support
FSU College of Medicine
1115 West Call Street
Tallahassee FL 32306
Phone: (850)645-8449

Committee meeting was reported out: Monday, February 27, 2012 8:45:26PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 625 (2012)

Amendment No. 1.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED (Y/N)
ADOPTED W/O OBJECTION _____ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

1 Committee/Subcommittee hearing bill: Health & Human Services
2 Committee

3 Representative Roberson, K. offered the following:

4
5 **Amendment (with title amendment)**

6 Remove lines 277-439 and insert:

7 (c) Pay or reimburse the reasonable expenses, as
8 determined by the anatomical board, incurred by a funeral
9 establishment or removal service licensed under chapter 497, for
10 the removal, storage and transportation of unclaimed human

11 remains any person delivering the bodies as described in this
12 chapter to the anatomical board, and is further empowered to

13 (d) Enter into contracts and perform such other acts as
14 are necessary for to the proper performance of its duties.

15 (2) The anatomical board is required to keep a complete
16 record of all fees and other financial transactions. of said
17 anatomical board shall be kept and audited annually by the
18 Department of Financial Services, and a report of such audit
19 shall be made annually to the University of Florida. The

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 625 (2012)

Amendment No. 1.

20 University of Florida shall conduct an audit of the financial
21 records of the anatomical board, at least once every 3 years, or
22 more frequently if the university deems it necessary. Within 90
23 days after completing the audit, the university shall provide a
24 copy of the audit to the Department of Financial Services. The
25 university may contract with a certified public accounting firm
26 to provide for the audit, which may be paid from the fees
27 collected by the anatomical board.

28 Section 10. Section 406.59, Florida Statutes, is amended
29 to read:

30 406.59 Institutions receiving human remains bodies. ~~A No~~
31 ~~university, school, college, teaching hospital, or institution~~
32 ~~may not, or association shall be allowed or permitted to receive~~
33 ~~any human remains from the anatomical board such body or bodies~~
34 ~~as described in this chapter until its facilities are have been~~
35 ~~inspected and approved by the anatomical board. Human remains~~
36 ~~All such bodies received by such university, school, college,~~
37 ~~teaching hospital, or institution may not, or association shall~~
38 ~~be used for any no other purpose other than the promotion of~~
39 ~~medical education or research science.~~

40 Section 11. Section 406.60, Florida Statutes, is amended
41 to read:

42 406.60 Disposition of human remains bodies after use. ~~At~~
43 ~~any time When human remains any body or bodies or part or parts~~
44 ~~of any body or bodies, as described in this chapter, shall have~~
45 ~~been used for, and are not deemed of any no further value to,~~
46 ~~medical or dental education or research science, then the~~
47 ~~anatomical board or a cinerator facility licensed under chapter~~

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 625 (2012)

Amendment No. 1.

48 ~~497 person or persons having charge of said body or parts of~~
49 ~~said body~~ may dispose of the remains or any part thereof by
50 cremation.

51 Section 12. Section 406.61, Florida Statutes, is amended
52 to read:

53 406.61 Selling, buying, or conveying human remains ~~bodies~~
54 outside state prohibited; exceptions; ~~penalty.~~

55 (1) Any person who sells, ~~or~~ buys human remains or any
56 part thereof, ~~body or parts of bodies as described in this~~
57 ~~chapter~~ or any person except a recognized Florida medical or
58 dental school who transmits or conveys or causes to be
59 transmitted or conveyed such remains ~~body~~ or part thereof ~~parts~~
60 ~~of bodies~~ to any place outside this state, commits a misdemeanor
61 of the first degree, punishable as provided in s. ss- 775.082 or
62 s. and 775.083. However, this chapter does not prohibit the
63 anatomical board from transporting human remains ~~specimens~~
64 outside the state for educational or scientific purposes or
65 prohibit the transport of human remains, any part of such
66 remains ~~bodies, parts of bodies,~~ or tissue specimens for
67 purposes in furtherance of lawful examination, investigation, or
68 autopsy conducted pursuant to s. 406.11. Any person,
69 institution, or organization that conveys human remains ~~bodies~~
70 or any part ~~parts of bodies~~ into or out of the state for medical
71 or dental education or research purposes shall notify the
72 anatomical board of such intent and receive approval from the
73 board.

74 (2) Human remains received in this state by the anatomical
75 board, or a non-transplant anatomical donation organization must

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Amendment No. 1.

76 be accompanied by the original burial-transit permit issued
77 pursuant to s. 382.007. The remains may not be dissected,
78 segmented or disarticulated until the district medical examiner
79 of the county in which the death occurred has granted approval
80 pursuant to s. 406.11.

81 (3) Monetary inducement or other valuable consideration,
82 including goods or services may not be offered to a donor,
83 legally authorized person, the donor's estate, or other third
84 party. As used in this section, the term valuable consideration
85 does not include, and nothing in this section prohibits the
86 payment or reimbursement of, the reasonable cost associated with
87 the removal, storage and transportation of human remains,
88 including payment or reimbursement of a funeral establishment or
89 removal service licensed under ch. 497, or the reasonable costs
90 after use including the disposition of human remains, pursuant
91 to s. 406.60.

92 (4)-(2) Any entity accredited by the American Association
93 of Museums may convey plastinated human remains ~~bodies~~ or any
94 part thereof within, ~~parts of bodies~~ into, or out of the state
95 for exhibition and public educational purposes without the
96 consent of the anatomical board if the accredited entity:

97 (a) Notifies the anatomical board of the conveyance and
98 the duration and location of the exhibition at least 30 days
99 before the intended conveyance.

100 (b) Submits to the anatomical board a description of the
101 remains ~~bodies~~ or any part thereof ~~parts of bodies~~ and the name
102 and address of the company providing the remains ~~bodies~~ or any
103 part thereof ~~parts of bodies~~.

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Amendment No. 1.

104 (c) Submits to the anatomical board documentation that the
105 remains or each part thereof ~~body~~ was donated by the decedent or
106 his or her next of kin for purposes of plastination and public
107 exhibition, or, in lieu of such documentation, an affidavit
108 stating that the remains or each part thereof ~~body~~ was donated
109 directly by the decedent or his or her next of kin for such
110 purposes to the company providing the remains ~~body~~ and that such
111 company has a donation form on file for the remains ~~body~~.

112 ~~(3) Notwithstanding paragraph (2)(c) and in lieu of the~~
113 ~~documentation or affidavit required under paragraph (2)(c), for~~
114 ~~a plastinated body that, before July 1, 2009, was exhibited in~~
115 ~~this state by any entity accredited by the American Association~~
116 ~~of Museums, such an accredited entity may submit an affidavit to~~
117 ~~the board stating that the body was legally acquired and that~~
118 ~~the company providing the body has acquisition documentation on~~
119 ~~file for the body. This subsection expires January 1, 2012.~~

120 Section 13. Section 406.54, Florida Statutes, is repealed.

121 Section 14. Subsection (1) of section 765.513, Florida
122 Statutes, is amended to read:

123 765.513 Donees; purposes for which anatomical gifts may be
124 made.—

125 (1) The following persons or entities may become donees of
126 anatomical gifts of bodies or parts of them for the purposes
127 stated:

128 (a) Any procurement organization or accredited medical or
129 dental school, college, or university for education, research,
130 therapy, or transplantation.

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 625 (2012)

Amendment No. 1.

131 (b) Any individual specified by name for therapy or
132 transplantation needed by him or her.

133 (c) The anatomical board as defined in s. 406.49(1) for
134 donation of the whole body for medical or dental education or
135 research.

136 Section 15. Subsection (7) of s. 382.002, Florida Statutes,
137 is amended to read:

138 (7) "Final Disposition" means the burial, interment,
139 cremation, removal from the state, donation, or other authorized
140 disposition of a dead body or fetus described in subsection (6).
141 In the case of cremation, dispersion of the ashes or cremation
142 residue is considered to occur after the final disposition; the
143 cremation itself is considered final disposition. In the case of
144 anatomical donation of a dead body, the donation itself is
145 considered final disposition.

146 Section 16. Subsection (32) of s. 497.005, Florida
147 Statutes, is amended to read:

148 (32) "Final Disposition" means the final disposal of a dead
149 human body by earth interment, aboveground interment, cremation,
150 burial at sea, anatomical donation, or delivery to a medical
151 institution for lawful dissection if the medical institution or
152 entity receiving the anatomical donation assumes responsibility
153 for ~~disposal~~ disposition after use pursuant to s. 406.60. "Final
154 disposition" does not include the disposal or distribution of
155 cremated remains and residue of cremated remains.

156 Section 17. This act shall take effect July 1, 2012.

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Amendment No. 1.

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T I T L E A M E N D M E N T

Remove lines 31-51 and insert:
revising provisions prohibiting the selling, buying,
of human remains or the transmitting or conveying of
such remains outside the state; providing penalties;
allowing certain accredited schools and organizations
to convey human remains in or out of state for medical
or research purposes; requiring documentation prior to
use of human remains received in the state; defining
valuable consideration and providing exemptions for
certain costs; providing an exemption; deleting
provisions relating to procedures for the conveyance
of plastinated human remains into or out of the state
pursuant to their scheduled expiration; conforming
terminology; repealing s. 406.54, F.S., relating to
claims of bodies after delivery to the anatomical
board; amending s. 765.513, F.S.; revising the list of
donees who may accept anatomical gifts and the
purposes for which such a gift may be used; amending
s. 382.002, F.S., including anatomical donation as
final disposition; amending s. 497.005, F.S.,
including anatomical donation as final disposition;
providing an effective date.

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 625 (2012)

Amendment No. 1a

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	—	(Y/N)
ADOPTED AS AMENDED	—	(Y/N)
ADOPTED W/O OBJECTION	✓	(Y/N)
FAILED TO ADOPT	—	(Y/N)
WITHDRAWN	—	(Y/N)
OTHER	—	

1 Committee/Subcommittee hearing bill: Health & Human Services
2 Committee
3 Representative Baxley offered the following:

4
5 **Amendment to Amendment (410095) by Representative Roberson**

6 Remove lines 82-86 of the amendment and insert:
7 including good or services may not be offered for human remains
8 to a donor, legally authorized person, the donor's estate, or
9 other third party. As used in this section, the term valuable
10 consideration does not include, and nothing in this section
11 prohibits the payment or reimbursement of the reasonable cost
12 associated with

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 625 (2012)

Amendment No. 2a

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	✓	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	___	

1 Committee/Subcommittee hearing bill: Health & Human Services
2 Committee

3 Representative Renuart offered the following:

4
5 **Amendment to Amendment (410095) by Representative Roberson**
6 **(with title amendment)**

7 Remove line 73 of the amendment and insert:
8 Board; provided, however, that the requirement in this
9 subsection to notify or receive approval from the anatomical
10 board is waived for and shall not apply to any non-transplant
11 anatomical organization accredited by the American Association
12 of Tissue Banks.

13
14 -----
15 **T I T L E A M E N D M E N T**

16 Remove line 166 of the amendment and insert:
17 Such remains outside the state; creating an exception for
18 accredited non transplant organizations; providing penalties.

COMMITTEE MEETING REPORT
Health & Human Services Committee

2/27/2012 2:00:00PM

Location: 404 HOB

CS/HB 1195 : Involuntary Examinations under the Baker Act

Favorable

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Dennis Baxley	X				
Mack Bernard	X				
Jason Brodeur	X				
Richard Corcoran				X	
Janet Cruz	X				
Eduardo Gonzalez	X				
Gayle Harrell	X				
Doug Holder	X				
Matt Hudson	X				
Mia Jones	X				
Ana Logan	X				
Mark Pafford				X	
Ronald Renuart	X				
Elaine Schwartz	X				
Carlos Trujillo	X				
Barbara Watson	X				
John Wood	X				
Robert Schenck (Chair)	X				
Total Yeas: 16		Total Nays: 0			

Appearances:

Kung, Mai (State Employee) - Waive In Support
 Tallahassee Area Council of Advanced Practice Nurses
 3712 Longchamp Cir
 Tallahassee FL 32309
 Phone: (850) 510-7500

Pitts, Brian - Information Only
 Justice-2-Jesus
 1119 Newton Ave. S.
 St. Petersburg FL 33705
 Phone: (727) 897-9291

Whittaker, Stan - Proponent
 FI Council Advance Practice Nurses
 6294 NW Torreya Pk Rd
 Bristol FL
 Phone: (850) 643-2427

Ratliff, John - Proponent
 SEIU Healthcare, Local 1991
 18441 NW 2nd Ave #502
 Miami Gardens FL 33169
 Phone: (305) 620-6555

Committee meeting was reported out: Monday, February 27, 2012 8:45:26PM

COMMITTEE MEETING REPORT
Health & Human Services Committee

2/27/2012 2:00:00PM

Location: 404 HOB

CS/HB 1195 : Involuntary Examinations under the Baker Act (continued)

Appearances: (continued)

Coker, Travis (Lobbyist) - Waive In Support
Florida Association of Community Health Centers
2340 Hansen Ln
Tallahassee FL 32301
Phone: (850) 942-1822

Snow, Chris (Lobbyist) - Waive In Support
Florida Nurses Association
2568 Centerville Court
Tallahassee FL 32308
Phone: 850-556-0203

Mixon, Corinne (Lobbyist) - Proponent
Florida Academy of Physician Assistants
119 E. Park Ave.
Tallahassee FL 32301
Phone: (850) 222-2591

Committee meeting was reported out: Monday, February 27, 2012 8:45:26PM

COMMITTEE MEETING REPORT
Health & Human Services Committee

2/27/2012 2:00:00PM

Location: 404 HOB

CS/CS/HB 1263 : Department of Health

Favorable With Committee Substitute

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Dennis Baxley	X				
Mack Bernard		X			
Jason Brodeur	X				
Richard Corcoran	X				
Janet Cruz		X			
Eduardo Gonzalez	X				
Gayle Harrell	X				
Doug Holder	X				
Matt Hudson	X				
Mia Jones		X			
Ana Logan	X				
Mark Pafford		X			
Ronald Renuart	X				
Elaine Schwartz		X			
Carlos Trujillo	X				
Barbara Watson		X			
John Wood	X				
Robert Schenck (Chair)	X				
Total Yeas: 12		Total Nays: 6			

CS/CS/HB 1263 Amendments

Amendment 194335

Adopted as Amended

Amendment 047141

Adopted Without Objection

Amendment 894773

Adopted Without Objection

Amendment 443871

Adopted Without Objection

Amendment 572061

Adopted Without Objection

Committee meeting was reported out: Monday, February 27, 2012 8:45:26PM

COMMITTEE MEETING REPORT
Health & Human Services Committee

2/27/2012 2:00:00PM

Location: 404 HOB

CS/CS/HB 1263 : Department of Health (continued)

Amendment 194753

Failed to Adopt

Amendment 640727

Withdrawn

Appearances:

Opponent to Rep. Pafford Amendment

Cory, Jack (Lobbyist) - Opponent

Florida Alliance of Boys & Girls Clubs

110 E College Ave

Tallahassee FL 32301

Phone: (850)681-1065

Proponent to Rep. Jones Surgeon General Amendment

Nuland, Christopher (Lobbyist) - Proponent

FI Public Health Association

1000 Riverside Avenue #110

Jacksonville FI 32204

Phone: 904-355-1555

1263

Nuland, Christopher (Lobbyist) - Waive In Opposition

Florida Public Health Association

1605 Pebble Beach blvd

Glen Cove Springs FL 32043

Phone: (904)355-1555

CS/CS/HB 1263 Proponent to Rep. Jones Amendments

Polangin, Richard (Lobbyist) - Proponent

FI Public Interest Research Group

1300 N. Duval St.

Tallahassee FI 32303

Phone: 850-224-4206

Department of Health

Polangin, Richard (Lobbyist) - Opponent

FI Public Interest Research Group

1300 N. Duval St.

Tallahassee FI 32303

Phone: 850-224-4206

A.G. Holley Hospital

Arons, MD, Paul (General Public) - Opponent

1706 Beechwood Cir. N.

Tallahassee FI 32301

Phone: 850-656-7870

Committee meeting was reported out: Monday, February 27, 2012 8:45:26PM

COMMITTEE MEETING REPORT
Health & Human Services Committee

2/27/2012 2:00:00PM

Location: 404 HOB

CS/CS/HB 1263 : Department of Health (continued)

Appearances: (continued)

DOH Reorganization

St. Petery, M.D., Louis - Proponent

FL Pediatric Society

1132 Lee Ave

Tallahassee FL 32303

Phone: (850)224-0833

DOH Reorganization

Wiggins, Kristina (Lobbyist) (State Employee) - Information Only

Deputy Secretary, Department of Health

2045 Bald Cypress Way Bin A-01

Tallahassee FL 32399

Department of Health /Proponent Rep. Pafford Amendment

Curva, Ph.D., Fely (Lobbyist) - Waive In Support

FI Impact

1212 Piedmont Dr.

Tallahassee FL 32312

Phone: 850-508-2256

DOH /Proponent to Rep. Pafford Amendment

Susie, Debra - Proponent

FI Impact

1331 E. Lafayette St., Ste A

Tallahassee FL 32301

Phone: 850-309-1488

Committee meeting was reported out: Monday, February 27, 2012 8:45:26PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 1263 (2012)

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED (Y/N)
ADOPTED W/O OBJECTION _____ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

1 Committee/Subcommittee hearing bill: Health & Human Services
2 Committee

3 Representative Hudson offered the following:

4
5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

7 Section 1. Section 20.43, Florida Statutes is amended to
8 read:

9 20.43 Department of Health.—There is created a Department of
10 Health.

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

16 (a) Identify, diagnose, and conduct surveillance of
17 diseases and health conditions in the state and accumulate the
18 health statistics necessary to establish trends ~~Prevent to the~~

Amendment No. 1

19 ~~fullest extent possible, the occurrence and progression of~~
20 ~~communicable and noncommunicable diseases and disabilities.~~

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

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

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

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

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

42 (g) Regulate health practitioners for the preservation of
43 the health, safety, and welfare of the public ~~Provide health~~
44 ~~care and early intervention services to infants, toddlers,~~
45 ~~children, adolescents, and high risk perinatal patients who are~~
46 ~~at risk for disabling conditions or have chronic illnesses.~~

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COMMITTEE/SUBCOMMITTEE AMENDMENT

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

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

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

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

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

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

73 (2)(a) The head of the Department of Health is the State
74 Surgeon General and State Health Officer. The State Surgeon

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

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

95 (3) The following divisions of the Department of Health
96 are established:

97 (a) Division of Administration.

98 (b) Division of Emergency Preparedness and Community
99 Support Environmental Health.

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

101 (d) Division of Community Health Promotion Family Health
102 Services.

Amendment No. 1

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

COMMITTEE/SUBCOMMITTEE AMENDMENT

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130 15. The Board of Occupational Therapy, created under part
131 III of chapter 468.

132 16. Respiratory therapy, as provided under part V of
133 chapter 468.

134 17. Dietetics and nutrition practice, as provided under
135 part X of chapter 468.

136 18. The Board of Athletic Training, created under part
137 XIII of chapter 468.

138 19. The Board of Orthotists and Prosthetists, created
139 under part XIV of chapter 468.

140 20. Electrolysis, as provided under chapter 478.

141 21. The Board of Massage Therapy, created under chapter
142 480.

143 22. The Board of Clinical Laboratory Personnel, created
144 under part III of chapter 483.

145 23. Medical physicists, as provided under part IV of
146 chapter 483.

147 24. The Board of Opticianry, created under part I of
148 chapter 484.

149 25. The Board of Hearing Aid Specialists, created under
150 part II of chapter 484.

151 26. The Board of Physical Therapy Practice, created under
152 chapter 486.

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

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

155 29. The Board of Clinical Social Work, Marriage and Family
156 Therapy, and Mental Health Counseling, created under chapter
157 491.

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

160 ~~(h) Division of Children's Medical Services Prevention and~~
161 ~~Intervention.~~

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

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

164 (h)(k) Division of Disability Determinations.

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

169 20.435 Department of Health; trust funds.—The following
170 trust funds shall be administered by the Department of Health:

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

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

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

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

181 ~~(a) Funds to be credited to and uses of the trust fund~~
182 ~~shall be administered in accordance with the provisions of s.~~
183 ~~1009.66.~~

184 ~~(b) Notwithstanding the provisions of s. 216.301 and~~
185 ~~pursuant to s. 216.351, any balance in the trust fund at the end~~

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186 ~~of any fiscal year shall remain in the trust fund at the end of~~
187 ~~the year and shall be available for carrying out the purposes of~~
188 ~~the trust fund.~~

189 Section 3. Section 154.05, Florida Statutes, is amended to
190 read:

191 154.05 Cooperation and agreements between counties.—
192 Counties may establish cooperative arrangements for shared
193 county health departments in two ways.

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

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214 entered into between two or more counties, the work contemplated
215 by this chapter shall be done by a single full-time county
216 health department in the counties so cooperating; and the
217 nature, extent, and location of such work shall be under the
218 control and direction of the department.

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

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

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

240 (2) EXEMPTIONS; MEDICAL.—

COMMITTEE/SUBCOMMITTEE AMENDMENT

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

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269 (b) For the purposes of this subsection:

270 1. "Prosthetic and orthopedic appliances" means any
271 apparatus, instrument, device, or equipment used to replace or
272 substitute for any missing part of the body, to alleviate the
273 malfunction of any part of the body, or to assist any disabled
274 person in leading a normal life by facilitating such person's
275 mobility. Such apparatus, instrument, device, or equipment shall
276 be exempted according to an individual prescription or
277 prescriptions written by a physician licensed under chapter 458,
278 chapter 459, chapter 460, chapter 461, or chapter 466, or
279 according to a list prescribed and approved by the Department of
280 Health, which list shall be certified to the Department of
281 Revenue from time to time and included in the rules promulgated
282 by the Department of Revenue.

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

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

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296 4. "Prescription" includes any order for drugs or
297 medicinal supplies written or transmitted by any means of
298 communication by a duly licensed practitioner authorized by the
299 laws of the state to prescribe such drugs or medicinal supplies
300 and intended to be dispensed by a pharmacist. The term also
301 includes an orally transmitted order by the lawfully designated
302 agent of such practitioner. The term also includes an order
303 written or transmitted by a practitioner licensed to practice in
304 a jurisdiction other than this state, but only if the pharmacist
305 called upon to dispense such order determines, in the exercise
306 of his or her professional judgment, that the order is valid and
307 necessary for the treatment of a chronic or recurrent illness.
308 The term also includes a pharmacist's order for a product
309 selected from the formulary created pursuant to s. 465.186. A
310 prescription may be retained in written form, or the pharmacist
311 may cause it to be recorded in a data processing system,
312 provided that such order can be produced in printed form upon
313 lawful request.

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

317 (d) Lithotripters are exempt.

318 (e) Human organs are exempt.

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

322 (g) Medical products and supplies used in the cure,
323 mitigation, alleviation, prevention, or treatment of injury,

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324 disease, or incapacity which are temporarily or permanently
325 incorporated into a patient or client by a practitioner of the
326 healing arts licensed in the state are exempt.

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

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

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

345 (k) This subsection shall be strictly construed and
346 enforced.

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

349 215.5602 James and Esther King Biomedical Research
350 Program.—

COMMITTEE/SUBCOMMITTEE AMENDMENT

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

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

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

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

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

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

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

371 (12) ~~From funds appropriated to accomplish the goals of~~
372 ~~this section, up to \$250,000 shall be available for the~~
373 ~~operating costs of the Florida Center for Universal Research to~~
374 ~~Eradicate Disease.~~ Beginning in the 2011-2012 fiscal year and
375 thereafter, \$25 million from the revenue deposited into the
376 Health Care Trust Fund pursuant to ss. 210.011(9) and 210.276(7)
377 shall be reserved for research of tobacco-related or cancer-
378 related illnesses. Of the revenue deposited in the Health Care

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379 Trust Fund pursuant to this section, \$25 million shall be
380 transferred to the Biomedical Research Trust Fund within the
381 Department of Health. Subject to annual appropriations in the
382 General Appropriations Act, \$5 million shall be appropriated to
383 the James and Esther King Biomedical Research Program, \$5
384 million shall be appropriated to the William G. "Bill" Bankhead,
385 Jr., and David Coley Cancer Research Program created under s.
386 381.922, \$5 million shall be appropriated to the H. Lee Moffitt
387 Cancer Center and Research Institute established under s.
388 1004.43, \$5 million shall be appropriated to the Sylvester
389 Comprehensive Cancer Center of the University of Miami, and \$5
390 million shall be appropriated to the ~~University of Florida~~
391 ~~Shands Cancer Hospital Center~~.

392 Section 6. Section 381.001, Florida Statutes, is amended
393 to read:

394 381.001 ~~Legislative intent~~, Public health system.--

395 ~~(1) It is the intent of the Legislature that The~~
396 Department of Health is be responsible for the state's public
397 health system which shall be designed to promote, protect, and
398 improve the health of all people in the state. ~~The mission of~~
399 ~~the state's public health system is to foster the conditions in~~
400 ~~which people can be healthy, by assessing state and community~~
401 ~~health needs and priorities through data collection,~~
402 ~~epidemiologic studies, and community participation; by~~
403 ~~developing comprehensive public health policies and objectives~~
404 ~~aimed at improving the health status of people in the state; and~~
405 ~~by ensuring essential health care and an environment which~~
406 ~~enhances the health of the individual and the community. The~~

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407 ~~department shall provide leadership for Legislature recognizes~~
408 ~~that the state's public health system must be founded on an~~
409 ~~active partnership working toward shared public health goals and~~
410 ~~involving between federal, state, and local governments and the~~
411 ~~private sector government and between the public and private~~
412 ~~sectors, and, therefore, assessment, policy development, and~~
413 ~~service provision must be shared by all of these entities to~~
414 ~~achieve its mission.~~

415 ~~(2) It is the intent of the Legislature that the~~
416 ~~department, in carrying out the mission of public health, focus~~
417 ~~attention on identifying, assessing, and controlling the~~
418 ~~presence and spread of communicable diseases; on monitoring and~~
419 ~~regulating factors in the environment which may impair the~~
420 ~~public's health, with particular attention to preventing~~
421 ~~contamination of drinking water, the air people breathe, and the~~
422 ~~food people consume; and ensuring availability of and access to~~
423 ~~preventive and primary health care, including, but not limited~~
424 ~~to, acute and episodic care, prenatal and postpartum care, child~~
425 ~~health, family planning, school health, chronic disease~~
426 ~~prevention, child and adult immunization, dental health,~~
427 ~~nutrition, and health education and promotion services.~~

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

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435 ~~support, and recruitment, retention, and development of~~
436 ~~preventive and primary health care professionals and managers.~~

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

444 Section 7. Section 381.0011, Florida Statutes, is amended
445 to read:

446 381.0011 Duties and powers of the Department of Health.—It
447 is the duty of the Department of Health to:

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

453 ~~(2) Formulate general policies affecting the public health~~
454 ~~of the state.~~

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

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

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

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

471 ~~1. The closure of premises.~~

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

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

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

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

480 ~~6. The disinfection of quarantined animals, persons, or~~
481 ~~premises.~~

482 ~~7. Methods of quarantine.~~

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

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

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

502 ~~(6)-(8) Act as registrar of vital statistics.~~

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

505 ~~(10) Cooperate with other departments, local officials,~~
506 ~~and private boards and organizations for the improvement and~~
507 ~~preservation of the public health.~~

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

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

514 ~~(7)-(13) Manage and coordinate emergency preparedness and~~
515 ~~disaster response functions to: investigate and control the~~
516 ~~spread of disease; coordinate the availability and staffing of~~
517 ~~special needs shelters; support patient evacuation; ensure the~~

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518 safety of food and drugs; provide critical incident stress
519 debriefing; and provide surveillance and control of
520 radiological, chemical, biological, and other environmental
521 hazards.

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

523 Section 8. Section 381.0013, Florida Statutes, is
524 repealed.

525 Section 9. Section 381.0014, Florida Statutes, is
526 repealed.

527 Section 10. Section 381.0015, Florida Statutes, is
528 repealed.

529 Section 11. Section 381.0016, Florida Statutes, is amended
530 to read:

531 381.0016 County and municipal regulations and ordinances.—
532 Any county or municipality may enact, in a manner prescribed by
533 law, health regulations and ordinances not inconsistent with
534 state public health laws and rules adopted by the department.

535 Section 12. Section 381.0017, Florida Statutes, is
536 repealed.

537 Section 13. Section 381.0025, Florida Statutes, is
538 repealed.

539 Section 14. Paragraph (d) of subsection (1) of section
540 381.003, Florida Statutes, is amended to read:

541 381.003 Communicable disease and AIDS prevention and
542 control.—

543 (1) The department shall conduct a communicable disease
544 prevention and control program as part of fulfilling its public
545 health mission. A communicable disease is any disease caused by

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546 transmission of a specific infectious agent, or its toxic
547 products, from an infected person, an infected animal, or the
548 environment to a susceptible host, either directly or
549 indirectly. The communicable disease program must include, but
550 need not be limited to:

551 (d) Programs for the prevention, control, and reporting of
552 communicable diseases of public health significance as provided
553 for in this chapter.

554 Section 15. Section 381.0031, Florida Statutes, is amended
555 to read:

556 381.0031 Epidemiological research; report of diseases of
557 public health significance to department.--

558 (1) The department may conduct studies concerning the
559 epidemiology of diseases of public health significance affecting
560 people in Florida.

561 (2) Any practitioner licensed in this state to practice
562 medicine, osteopathic medicine, chiropractic medicine,
563 naturopathy, or veterinary medicine; any hospital licensed under
564 part I of chapter 395; or any laboratory licensed under chapter
565 483 that diagnoses or suspects the existence of a communicable
566 disease of public health significance shall immediately report
567 the fact to the Department of Health.

568 (3) ~~(2)~~ Periodically the department shall issue a list of
569 infectious ~~or noninfectious~~ diseases determined by it to be a
570 threat to public health and therefore of significance to public
571 health and shall furnish a copy of the list to the practitioners
572 listed in subsection (2) ~~(1)~~.

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573 ~~(4)~~~~(3)~~ Reports required by this section must be in
574 accordance with methods specified by rule of the department.

575 ~~(5)~~~~(4)~~ Information submitted in reports required by this
576 section is confidential, exempt from the provisions of s.
577 119.07(1), and is to be made public only when necessary to
578 public health. A report so submitted is not a violation of the
579 confidential relationship between practitioner and patient.

580 ~~(6)~~~~(5)~~ The department may obtain and inspect copies of
581 medical records, records of laboratory tests, and other medical-
582 related information for reported cases of communicable diseases
583 of public health significance described in subsection (2). The
584 department shall examine the records of a person who has a
585 communicable disease of public health significance only for
586 purposes of preventing and eliminating outbreaks of disease and
587 making epidemiological investigations of reported cases of
588 communicable diseases of public health significance,
589 notwithstanding any other law to the contrary. Health care
590 practitioners, licensed health care facilities, and laboratories
591 shall allow the department to inspect and obtain copies of such
592 medical records and medical-related information, notwithstanding
593 any other law to the contrary. Release of medical records and
594 medical-related information to the department by a health care
595 practitioner, licensed health care facility, or laboratory, or
596 by an authorized employee or agent thereof, does not constitute
597 a violation of the confidentiality of patient records. A health
598 care practitioner, health care facility, or laboratory, or any
599 employee or agent thereof, may not be held liable in any manner
600 for damages and is not subject to criminal penalties for

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601 providing patient records to the department as authorized by
602 this section.

603 ~~(7)-(6)~~ The department may adopt rules related to reporting
604 communicable diseases of significance to public health, which
605 must specify the information to be included in the report, who
606 is required to report, the method and time period for reporting,
607 requirements for enforcement, and required followup activities
608 by the department which are necessary to protect public health.

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

610 Section 16. Subsection (1) of section 381.00315, Florida
611 Statutes, is amended, and subsection (4) is added to that
612 section, to read:

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

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

618 (a) "Public health advisory" means any warning or report
619 giving information to the public about a potential public health
620 threat. Prior to issuing any public health advisory, the State
621 Health Officer must consult with any state or local agency
622 regarding areas of responsibility which may be affected by such
623 advisory. Upon determining that issuing a public health advisory
624 is necessary to protect the public health and safety, and prior
625 to issuing the advisory, the State Health Officer must notify
626 each county health department within the area which is affected
627 by the advisory of the State Health Officer's intent to issue

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628 the advisory. The State Health Officer is authorized to take any
629 action appropriate to enforce any public health advisory.

630 (b) "Public health emergency" means any occurrence, or
631 threat thereof, whether natural or man made, which results or
632 may result in substantial injury or harm to the public health
633 from infectious disease, chemical agents, nuclear agents,
634 biological toxins, or situations involving mass casualties or
635 natural disasters. Prior to declaring a public health emergency,
636 the State Health Officer shall, to the extent possible, consult
637 with the Governor and shall notify the Chief of Domestic
638 Security. The declaration of a public health emergency shall
639 continue until the State Health Officer finds that the threat or
640 danger has been dealt with to the extent that the emergency
641 conditions no longer exist and he or she terminates the
642 declaration. However, a declaration of a public health emergency
643 may not continue for longer than 60 days unless the Governor
644 concurs in the renewal of the declaration. The State Health
645 Officer, upon declaration of a public health emergency, may take
646 actions that are necessary to protect the public health. Such
647 actions include, but are not limited to:

648 1. Directing manufacturers of prescription drugs or over-
649 the-counter drugs who are permitted under chapter 499 and
650 wholesalers of prescription drugs located in this state who are
651 permitted under chapter 499 to give priority to the shipping of
652 specified drugs to pharmacies and health care providers within
653 geographic areas that have been identified by the State Health
654 Officer. The State Health Officer must identify the drugs to be
655 shipped. Manufacturers and wholesalers located in the state must

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656 respond to the State Health Officer's priority shipping
657 directive before shipping the specified drugs.

658 2. Notwithstanding chapters 465 and 499 and rules adopted
659 thereunder, directing pharmacists employed by the department to
660 compound bulk prescription drugs and provide these bulk
661 prescription drugs to physicians and nurses of county health
662 departments or any qualified person authorized by the State
663 Health Officer for administration to persons as part of a
664 prophylactic or treatment regimen.

665 3. Notwithstanding s. 456.036, temporarily reactivating
666 the inactive license of the following health care practitioners,
667 when such practitioners are needed to respond to the public
668 health emergency: physicians licensed under chapter 458 or
669 chapter 459; physician assistants licensed under chapter 458 or
670 chapter 459; licensed practical nurses, registered nurses, and
671 advanced registered nurse practitioners licensed under part I of
672 chapter 464; respiratory therapists licensed under part V of
673 chapter 468; and emergency medical technicians and paramedics
674 certified under part III of chapter 401. Only those health care
675 practitioners specified in this paragraph who possess an
676 unencumbered inactive license and who request that such license
677 be reactivated are eligible for reactivation. An inactive
678 license that is reactivated under this paragraph shall return to
679 inactive status when the public health emergency ends or prior
680 to the end of the public health emergency if the State Health
681 Officer determines that the health care practitioner is no
682 longer needed to provide services during the public health
683 emergency. Such licenses may only be reactivated for a period

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684 not to exceed 90 days without meeting the requirements of s.
685 456.036 or chapter 401, as applicable.

686 4. Ordering an individual to be examined, tested,
687 vaccinated, treated, or quarantined for communicable diseases
688 that have significant morbidity or mortality and present a
689 severe danger to public health. Individuals who are unable or
690 unwilling to be examined, tested, vaccinated, or treated for
691 reasons of health, religion, or conscience may be subjected to
692 quarantine.

693 a. Examination, testing, vaccination, or treatment may be
694 performed by any qualified person authorized by the State Health
695 Officer.

696 b. If the individual poses a danger to the public health,
697 the State Health Officer may subject the individual to
698 quarantine. If there is no practical method to quarantine the
699 individual, the State Health Officer may use any means necessary
700 to vaccinate or treat the individual.

701

702 Any order of the State Health Officer given to effectuate this
703 paragraph shall be immediately enforceable by a law enforcement
704 officer under s. 381.0012.

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

708 (a) The closure of premises.

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

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

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

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

717 (f) The disinfection of quarantined animals, persons, or
718 premises.

719 (g) Methods of quarantine.

720 (5) The rules adopted under this section and actions taken
721 by the department pursuant to a declared public health emergency
722 or quarantine shall supersede all rules enacted by other state
723 departments, boards or commissions, and ordinances and
724 regulations enacted by political subdivisions of the state. Any
725 person who violates any rule adopted under this section, any
726 quarantine, or any requirement adopted by the department
727 pursuant to a declared public health emergency, commits a
728 misdemeanor of the second degree, punishable as provided in s.
729 775.082 or s. 775.083.

730 Section 17. Section 381.0032, Florida Statutes, is
731 repealed.

732 Section 18. Section 381.00325, Florida Statutes, is
733 repealed.

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

736 381.0034 Requirement for instruction on HIV and AIDS.—

737 (1) ~~As of July 1, 1991,~~ The Department of Health shall
738 require each person licensed or certified under chapter 401,

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739 chapter 467, part IV of chapter 468, or chapter 483, as a
740 condition of biennial relicensure, to complete an educational
741 course approved by the department on the modes of transmission,
742 infection control procedures, clinical management, and
743 prevention of human immunodeficiency virus and acquired immune
744 deficiency syndrome. Such course shall include information on
745 current Florida law on acquired immune deficiency syndrome and
746 its impact on testing, confidentiality of test results, and
747 treatment of patients. Each such licensee or certificateholder
748 shall submit confirmation of having completed said course, on a
749 form provided by the department, when submitting fees or
750 application for each biennial renewal.

751 Section 20. Section 381.0037, Florida Statutes, is
752 repealed.

753 Section 21. Subsections (2) through (11) of section
754 381.004, Florida Statutes, are renumbered as subsections (1)
755 through (10), respectively, and present subsection (1),
756 paragraph (a) of present subsection (3), paragraph (d) of
757 present subsection (5), present subsection (7), and paragraph
758 (c) of present subsection (11) of that section are amended to
759 read:

760 381.004 HIV testing.—

761 ~~(1) LEGISLATIVE INTENT. The Legislature finds that the use~~
762 ~~of tests designed to reveal a condition indicative of human~~
763 ~~immunodeficiency virus infection can be a valuable tool in~~
764 ~~protecting the public health. The Legislature finds that despite~~
765 ~~existing laws, regulations, and professional standards which~~
766 ~~require or promote the informed, voluntary, and confidential use~~

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767 ~~of tests designed to reveal human immunodeficiency virus~~
768 ~~infection, many members of the public are deterred from seeking~~
769 ~~such testing because they misunderstand the nature of the test~~
770 ~~or fear that test results will be disclosed without their~~
771 ~~consent. The Legislature finds that the public health will be~~
772 ~~served by facilitating informed, voluntary, and confidential use~~
773 ~~of tests designed to detect human immunodeficiency virus~~
774 ~~infection.~~

775 (3) HUMAN IMMUNODEFICIENCY VIRUS TESTING; INFORMED
776 CONSENT; RESULTS; COUNSELING; CONFIDENTIALITY.-

777 (a) No person in this state shall order a test designed to
778 identify the human immunodeficiency virus, or its antigen or
779 antibody, without first obtaining the informed consent of the
780 person upon whom the test is being performed, except as
781 specified in paragraph (h). Informed consent shall be preceded
782 by an explanation of the right to confidential treatment of
783 information identifying the subject of the test and the results
784 of the test to the extent provided by law. Information shall
785 also be provided on the fact that a positive HIV test result
786 will be reported to the county health department with sufficient
787 information to identify the test subject and on the availability
788 and location of sites at which anonymous testing is performed.
789 As required in paragraph (3)(c) ~~(4)(e)~~, each county health
790 department shall maintain a list of sites at which anonymous
791 testing is performed, including the locations, phone numbers,
792 and hours of operation of the sites. Consent need not be in
793 writing provided there is documentation in the medical record

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794 that the test has been explained and the consent has been
795 obtained.

796 ~~(4)-(5)~~ HUMAN IMMUNODEFICIENCY VIRUS TESTING REQUIREMENTS;
797 REGISTRATION WITH THE DEPARTMENT OF HEALTH; EXEMPTIONS FROM
798 REGISTRATION.—No county health department and no other person in
799 this state shall conduct or hold themselves out to the public as
800 conducting a testing program for acquired immune deficiency
801 syndrome or human immunodeficiency virus status without first
802 registering with the Department of Health, reregistering each
803 year, complying with all other applicable provisions of state
804 law, and meeting the following requirements:

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

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

811 (10) ~~(11)~~ TESTING AS A CONDITION OF TREATMENT OR
812 ADMISSION.—

813 (c) Any violation of this subsection or the rules
814 implementing it shall be punishable as provided in subsection
815 (5) ~~(6)~~.

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

818 381.0046 Statewide HIV and AIDS prevention campaign.—

819 (2) The Department of Health shall establish dedicated
820 ~~four~~ positions within the department for HIV and AIDS regional
821 minority coordinators and ~~one position for~~ a statewide HIV and

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822 AIDS minority coordinator. The coordinators shall facilitate
823 statewide efforts to implement and coordinate HIV and AIDS
824 prevention and treatment programs. ~~The statewide coordinator~~
825 ~~shall report directly to the chief of the Bureau of HIV and AIDS~~
826 ~~within the Department of Health.~~

827 Section 23. Subsection (3) of section 381.005, Florida
828 Statutes, is renumbered as subsection (2), and present
829 subsection (2) of that section is amended to read:

830 381.005 Primary and preventive health services.—

831 ~~(2) Between October 1, or earlier if the vaccination is~~
832 ~~available, and February 1 of each year, subject to the~~
833 ~~availability of an adequate supply of the necessary vaccine,~~
834 ~~each hospital licensed pursuant to chapter 395 shall implement a~~
835 ~~program to offer immunizations against the influenza virus and~~
836 ~~pneumococcal bacteria to all patients age 65 or older, in~~
837 ~~accordance with the recommendations of the Advisory Committee on~~
838 ~~Immunization Practices of the United States Centers for Disease~~
839 ~~Control and Prevention and subject to the clinical judgment of~~
840 ~~the responsible practitioner.~~

841 Section 24. Subsections (3) through (7) of section
842 381.0051, Florida Statutes, are renumbered as subsections (2)
843 through (6), respectively, and present subsection (2) of that
844 section is amended to read:

845 381.0051 Family planning.—

846 ~~(2) LEGISLATIVE INTENT. It is the intent of the~~
847 ~~Legislature to make available to citizens of the state of~~
848 ~~childbearing age comprehensive medical knowledge, assistance,~~

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849 ~~and services relating to the planning of families and maternal~~
850 ~~health care.~~

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

853 381.0052 Dental health.—

854 ~~(5) The department may adopt rules to implement this~~
855 ~~section.~~

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

858 381.0053 Comprehensive nutrition program.—

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

861 Section 27. Section 381.0054, Florida Statutes, is
862 repealed.

863 Section 28. Subsections (3) through (11) of section
864 381.0056, Florida Statutes are renumbered as subsections (2)
865 through (9), respectively, and present subsections (2), (3), and
866 (11) of that section are amended to read:

867 381.0056 School health services program.—

868 ~~(2) The Legislature finds that health services conducted~~
869 ~~as a part of the total school health program should be carried~~
870 ~~out to appraise, protect, and promote the health of students.~~
871 ~~School health services supplement, rather than replace, parental~~
872 ~~responsibility and are designed to encourage parents to devote~~
873 ~~attention to child health, to discover health problems, and to~~
874 ~~encourage use of the services of their physicians, dentists, and~~
875 ~~community health agencies.~~

876 (2)(3) As When used in ~~or for~~ purposes of this section:

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

881 (b) "Entity" or "health care entity" means a unit of local
882 government or a political subdivision of the state; a hospital
883 licensed under chapter 395; a health maintenance organization
884 certified under chapter 641; a health insurer authorized under
885 the Florida Insurance Code; a community health center; a migrant
886 health center; a federally qualified health center; an
887 organization that meets the requirements for nonprofit status
888 under s. 501(c)(3) of the Internal Revenue Code; a private
889 industry or business; or a philanthropic foundation that agrees
890 to participate in a public-private partnership with a county
891 health department, local school district, or school in the
892 delivery of school health services, and agrees to the terms and
893 conditions for the delivery of such services as required by this
894 section and as documented in the local school health services
895 plan.

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

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

900 (e) "School health services plan" means the document that
901 describes the services to be provided, the responsibility for
902 provision of the services, the anticipated expenditures to
903 provide the services, and evidence of cooperative planning by
904 local school districts and county health departments.

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905 (f) "Screening" means presumptive identification of
906 unknown or unrecognized diseases or defects by the application
907 of tests that can be given with ease and rapidity to apparently
908 healthy persons.

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

913 Section 29. Subsections (2) through (7) of section
914 381.0057, Florida Statutes, are renumbered as subsections (1)
915 through (6), respectively, and present subsections (1), (4), and
916 (6) of that section are amended to read:

917 381.0057 Funding for school health services.—

918 ~~(1) It is the intent of the Legislature that funds in~~
919 ~~addition to those provided under the School Health Services Act~~
920 ~~be provided to those school districts and schools where there is~~
921 ~~a high incidence of medically underserved high risk children,~~
922 ~~low birthweight babies, infant mortality, or teenage pregnancy.~~
923 ~~The purpose of this funding is to phase in those programs which~~
924 ~~offer the greatest potential for promoting the health of~~
925 ~~students and reducing teenage pregnancy.~~

926 ~~(3)(4)~~ Any school district, school, or laboratory school
927 which desires to receive state funding under the provisions of
928 this section shall submit a proposal to the joint committee
929 established in subsection (2) ~~(3)~~. The proposal shall state the
930 goals of the program, provide specific plans for reducing
931 teenage pregnancy, and describe all of the health services to be
932 available to students with funds provided pursuant to this

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933 section, including a combination of initiatives such as health
934 education, counseling, extracurricular, and self-esteem
935 components. School health services shall not promote elective
936 termination of pregnancy as a part of counseling services. Only
937 those program proposals which have been developed jointly by
938 county health departments and local school districts or schools,
939 and which have community and parental support, shall be eligible
940 for funding. Funding shall be available specifically for
941 implementation of one of the following programs:

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

946 1. Planning, implementing, and evaluating school health
947 services. Staffing shall include a full-time, trained school
948 health aide in each elementary, middle, and high school; one
949 full-time nurse to supervise the aides in the elementary and
950 middle schools; and one full-time nurse in each high school.

951 2. Providing student health appraisals and identification
952 of actual or potential health problems by screenings, nursing
953 assessments, and record reviews.

954 3. Expanding screening activities.

955 4. Improving the student utilization of school health
956 services.

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

959 (b) Student support services team program.—The program
960 shall include a multidisciplinary team composed of a

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961 psychologist, social worker, and nurse whose responsibilities
962 are to provide basic support services and to assist, in the
963 school setting, children who exhibit mild to severely complex
964 health, behavioral, or learning problems affecting their school
965 performance. Support services shall include, but not be limited
966 to: evaluation and treatment for minor illnesses and injuries,
967 referral and followup for serious illnesses and emergencies,
968 onsite care and consultation, referral to a physician, and
969 followup care for pregnancy or chronic diseases and disorders as
970 well as emotional or mental problems. Services also shall
971 include referral care for drug and alcohol abuse and sexually
972 transmitted diseases, sports and employment physicals,
973 immunizations, and in addition, effective preventive services
974 aimed at delaying early sexual involvement and aimed at
975 pregnancy, acquired immune deficiency syndrome, sexually
976 transmitted diseases, and destructive lifestyle conditions, such
977 as alcohol and drug abuse. Moneys for this program shall be used
978 to fund three teams, each consisting of one half-time
979 psychologist, one full-time nurse, and one full-time social
980 worker. Each team shall provide student support services to an
981 elementary school, middle school, and high school that are a
982 part of one feeder school system and shall coordinate all
983 activities with the school administrator and guidance counselor
984 at each school. A program which places all three teams in middle
985 schools or high schools may also be proposed.

986 (c) Full service schools.—The full-service schools shall
987 integrate the services of the Department of Health that are
988 critical to the continuity-of-care process. The department shall

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989 provide services to students on the school grounds. Department
990 personnel shall provide their specialized services as an
991 extension of the educational environment. Such services may
992 include nutritional services, medical services, aid to dependent
993 children, parenting skills, counseling for abused children, and
994 education for the students' parents or guardians.

995

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

999 (5)~~(6)~~ Each school district or school program that is
1000 funded through the provisions of this section shall provide a
1001 mechanism through which a parent may, by written request, exempt
1002 a child from all or certain services provided by a school health
1003 services program described in subsection (3) ~~(4)~~.

1004 Section 30. Section 381.00591, Florida Statutes, is
1005 amended to read:

1006 381.00591 Department of Health; National Environmental
1007 Laboratory accreditation; application; ~~rules.~~ The Department of
1008 Health may apply for and become a National Environmental
1009 Laboratory Accreditation Program accreditation body ~~accrediting~~
1010 ~~authority. The department, as an accrediting entity, may adopt~~
1011 ~~rules pursuant to ss. 120.536(1) and 120.54, to implement~~
1012 ~~standards of the National Environmental Laboratory Accreditation~~
1013 ~~Program, including requirements for proficiency testing~~
1014 ~~providers and other rules that are not inconsistent with this~~
1015 ~~section, including rules pertaining to fees, application~~

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1016 ~~procedures, standards applicable to environmental or public~~
1017 ~~water supply laboratories, and compliance.~~

1018 Section 31. Subsection (9) of section 381.00593, Florida
1019 Statutes, is renumbered as subsection (8), and present
1020 subsection (8) of that section is amended to read:

1021 381.00593. Public school volunteer health care practitioner
1022 program.—

1023 ~~(8) The Department of Health, in cooperation with the~~
1024 ~~Department of Education, may adopt rules necessary to implement~~
1025 ~~this section. The rules shall include the forms to be completed~~
1026 ~~and procedures to be followed by applicants and school personnel~~
1027 ~~under the program.~~

1028 Section 32. Subsections (2) through (6) of section
1029 381.0062, Florida Statutes, are renumbered as subsections (1)
1030 through (6), respectively, and present subsection (1) of that
1031 section is amended to read:

1032 381.0062 Supervision; private and certain public water
1033 systems.—

1034 ~~(1) LEGISLATIVE INTENT. It is the intent of the~~
1035 ~~Legislature to protect the public's health by establishing~~
1036 ~~standards for the construction, modification, and operation of~~
1037 ~~public and private water systems to assure consumers that the~~
1038 ~~water provided by those systems is potable.~~

1039 Section 33. Subsection (1), (3) and (4) of section
1040 381.0065, Florida Statutes, are amended to read:

1041 381.0065 Onsite sewage treatment and disposal systems;
1042 regulation.—

1043 (1) LEGISLATIVE INTENT.—

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1044 ~~(a) It is the intent of the Legislature that proper~~
1045 ~~management of onsite sewage treatment and disposal systems is~~
1046 ~~paramount to the health, safety, and welfare of the public. It~~
1047 ~~is further the intent of the Legislature that the department~~
1048 ~~shall administer an evaluation program to ensure the operational~~
1049 ~~condition of the system and identify any failure with the~~
1050 ~~system.~~

1051 ~~(b)~~ It is the intent of the Legislature that where a
1052 publicly owned or investor-owned sewerage system is not
1053 available, the department shall issue permits for the
1054 construction, installation, modification, abandonment, or repair
1055 of onsite sewage treatment and disposal systems under conditions
1056 as described in this section and rules adopted under this
1057 section. It is further the intent of the Legislature that the
1058 installation and use of onsite sewage treatment and disposal
1059 systems not adversely affect the public health or significantly
1060 degrade the groundwater or surface water.

1061 (3) DUTIES AND POWERS OF THE DEPARTMENT OF HEALTH.—The
1062 department shall:

1063 (a) Adopt rules to administer ss. 381.0065-381.0067,
1064 including definitions that are consistent with the definitions
1065 in this section, decreases to setback requirements where no
1066 health hazard exists, increases for the lot-flow allowance for
1067 performance-based systems, requirements for separation from
1068 water table elevation during the wettest season, requirements
1069 for the design and construction of any component part of an
1070 onsite sewage treatment and disposal system, application and
1071 permit requirements for persons who maintain an onsite sewage

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1072 treatment and disposal system, requirements for maintenance and
1073 service agreements for aerobic treatment units and performance-
1074 based treatment systems, and recommended standards, including
1075 disclosure requirements, for voluntary system inspections to be
1076 performed by individuals who are authorized by law to perform
1077 such inspections and who shall inform a person having ownership,
1078 control, or use of an onsite sewage treatment and disposal
1079 system of the inspection standards and of that person's
1080 authority to request an inspection based on all or part of the
1081 standards.

1082 (b) Perform application reviews and site evaluations,
1083 issue permits, and conduct inspections and complaint
1084 investigations associated with the construction, installation,
1085 maintenance, modification, abandonment, operation, use, or
1086 repair of an onsite sewage treatment and disposal system for a
1087 residence or establishment with an estimated domestic sewage
1088 flow of 10,000 gallons or less per day, or an estimated
1089 commercial sewage flow of 5,000 gallons or less per day, which
1090 is not currently regulated under chapter 403.

1091 (c) Develop a comprehensive program to ensure that onsite
1092 sewage treatment and disposal systems regulated by the
1093 department are sized, designed, constructed, installed,
1094 repaired, modified, abandoned, used, operated, and maintained in
1095 compliance with this section and rules adopted under this
1096 section to prevent groundwater contamination and surface water
1097 contamination and to preserve the public health. The department
1098 is the final administrative interpretive authority regarding
1099 rule interpretation. In the event of a conflict regarding rule

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1100 interpretation, the State Surgeon General Division Director for
1101 ~~Environmental Health~~ of the department, or his or her designee,
1102 shall timely assign a staff person to resolve the dispute.

1103 (d) Grant variances in hardship cases under the conditions
1104 prescribed in this section and rules adopted under this section.

1105 (e) Permit the use of a limited number of innovative
1106 systems for a specific period of time, when there is compelling
1107 evidence that the system will function properly and reliably to
1108 meet the requirements of this section and rules adopted under
1109 this section.

1110 (f) Issue annual operating permits under this section.

1111 (g) Establish and collect fees as established under s.
1112 381.0066 for services provided with respect to onsite sewage
1113 treatment and disposal systems.

1114 (h) Conduct enforcement activities, including imposing
1115 fines, issuing citations, suspensions, revocations, injunctions,
1116 and emergency orders for violations of this section, part I of
1117 chapter 386, or part III of chapter 489 or for a violation of
1118 any rule adopted under this section, part I of chapter 386, or
1119 part III of chapter 489.

1120 (i) Provide or conduct education and training of
1121 department personnel, service providers, and the public
1122 regarding onsite sewage treatment and disposal systems.

1123 (j) Supervise research on, demonstration of, and training
1124 on the performance, environmental impact, and public health
1125 impact of onsite sewage treatment and disposal systems within
1126 this state. Research fees collected under s. 381.0066(2)(1) must
1127 be used to develop and fund hands-on training centers designed

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1128 to provide practical information about onsite sewage treatment
1129 and disposal systems to septic tank contractors, master septic
1130 tank contractors, contractors, inspectors, engineers, and the
1131 public and must also be used to fund research projects which
1132 focus on improvements of onsite sewage treatment and disposal
1133 systems, including use of performance-based standards and
1134 reduction of environmental impact. Research projects shall be
1135 initially approved by the technical review and advisory panel
1136 and shall be applicable to and reflect the soil conditions
1137 specific to Florida. Such projects shall be awarded through
1138 competitive negotiation, using the procedures provided in s.
1139 287.055, to public or private entities that have experience in
1140 onsite sewage treatment and disposal systems in Florida and that
1141 are principally located in Florida. Research projects shall not
1142 be awarded to firms or entities that employ or are associated
1143 with persons who serve on either the technical review and
1144 advisory panel or the research review and advisory committee.

1145 (k) Approve the installation of individual graywater
1146 disposal systems in which blackwater is treated by a central
1147 sewerage system.

1148 (l) Regulate and permit the sanitation, handling,
1149 treatment, storage, reuse, and disposal of byproducts from any
1150 system regulated under this chapter and not regulated by the
1151 Department of Environmental Protection.

1152 (m) Permit and inspect portable or temporary toilet
1153 services and holding tanks. The department shall review
1154 applications, perform site evaluations, and issue permits for
1155 the temporary use of holding tanks, privies, portable toilet

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1156 services, or any other toilet facility that is intended for use
1157 on a permanent or nonpermanent basis, including facilities
1158 placed on construction sites when workers are present. The
1159 department may specify standards for the construction,
1160 maintenance, use, and operation of any such facility for
1161 temporary use.

1162 (n) Regulate and permit maintenance entities for
1163 performance-based treatment systems and aerobic treatment unit
1164 systems. To ensure systems are maintained and operated according
1165 to manufacturer's specifications and designs, the department
1166 shall establish by rule minimum qualifying criteria for
1167 maintenance entities. The criteria shall include: training,
1168 access to approved spare parts and components, access to
1169 manufacturer's maintenance and operation manuals, and service
1170 response time. The maintenance entity shall employ a contractor
1171 licensed under s. 489.105(3)(m), or part III of chapter 489, or
1172 a state-licensed wastewater plant operator, who is responsible
1173 for maintenance and repair of all systems under contract.

1174 (4) PERMITS; INSTALLATION; AND CONDITIONS.—A person may
1175 not construct, repair, modify, abandon, or operate an onsite
1176 sewage treatment and disposal system without first obtaining a
1177 permit approved by the department. The department may issue
1178 permits to carry out this section, but shall not make the
1179 issuance of such permits contingent upon prior approval by the
1180 Department of Environmental Protection, except that the issuance
1181 of a permit for work seaward of the coastal construction control
1182 line established under s. 161.053 shall be contingent upon
1183 receipt of any required coastal construction control line permit

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1184 from the Department of Environmental Protection. A construction
1185 permit is valid for 18 months from the issuance date and may be
1186 extended by the department for one 90-day period under rules
1187 adopted by the department. A repair permit is valid for 90 days
1188 from the date of issuance. An operating permit must be obtained
1189 prior to the use of any aerobic treatment unit or if the
1190 establishment generates commercial waste. Buildings or
1191 establishments that use an aerobic treatment unit or generate
1192 commercial waste shall be inspected by the department at least
1193 annually to assure compliance with the terms of the operating
1194 permit. The operating permit for a commercial wastewater system
1195 is valid for 1 year from the date of issuance and must be
1196 renewed annually. The operating permit for an aerobic treatment
1197 unit is valid for 2 years from the date of issuance and must be
1198 renewed every 2 years. If all information pertaining to the
1199 siting, location, and installation conditions or repair of an
1200 onsite sewage treatment and disposal system remains the same, a
1201 construction or repair permit for the onsite sewage treatment
1202 and disposal system may be transferred to another person, if the
1203 transferee files, within 60 days after the transfer of
1204 ownership, an amended application providing all corrected
1205 information and proof of ownership of the property. There is no
1206 fee associated with the processing of this supplemental
1207 information. A person may not contract to construct, modify,
1208 alter, repair, service, abandon, or maintain any portion of an
1209 onsite sewage treatment and disposal system without being
1210 registered under part III of chapter 489. A property owner who
1211 personally performs construction, maintenance, or repairs to a

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1212 system serving his or her own owner-occupied single-family
1213 residence is exempt from registration requirements for
1214 performing such construction, maintenance, or repairs on that
1215 residence, but is subject to all permitting requirements. A
1216 municipality or political subdivision of the state may not issue
1217 a building or plumbing permit for any building that requires the
1218 use of an onsite sewage treatment and disposal system unless the
1219 owner or builder has received a construction permit for such
1220 system from the department. A building or structure may not be
1221 occupied and a municipality, political subdivision, or any state
1222 or federal agency may not authorize occupancy until the
1223 department approves the final installation of the onsite sewage
1224 treatment and disposal system. A municipality or political
1225 subdivision of the state may not approve any change in occupancy
1226 or tenancy of a building that uses an onsite sewage treatment
1227 and disposal system until the department has reviewed the use of
1228 the system with the proposed change, approved the change, and
1229 amended the operating permit.

1230 (a) Subdivisions and lots in which each lot has a minimum
1231 area of at least one-half acre and either a minimum dimension of
1232 100 feet or a mean of at least 100 feet of the side bordering
1233 the street and the distance formed by a line parallel to the
1234 side bordering the street drawn between the two most distant
1235 points of the remainder of the lot may be developed with a water
1236 system regulated under s. 381.0062 and onsite sewage treatment
1237 and disposal systems, provided the projected daily sewage flow
1238 does not exceed an average of 1,500 gallons per acre per day,
1239 and provided satisfactory drinking water can be obtained and all

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1240 distance and setback, soil condition, water table elevation, and
1241 other related requirements of this section and rules adopted
1242 under this section can be met.

1243 (b) Subdivisions and lots using a public water system as
1244 defined in s. 403.852 may use onsite sewage treatment and
1245 disposal systems, provided there are no more than four lots per
1246 acre, provided the projected daily sewage flow does not exceed
1247 an average of 2,500 gallons per acre per day, and provided that
1248 all distance and setback, soil condition, water table elevation,
1249 and other related requirements that are generally applicable to
1250 the use of onsite sewage treatment and disposal systems are met.

1251 (c) Notwithstanding paragraphs (a) and (b), for
1252 subdivisions platted of record on or before October 1, 1991,
1253 when a developer or other appropriate entity has previously made
1254 or makes provisions, including financial assurances or other
1255 commitments, acceptable to the Department of Health, that a
1256 central water system will be installed by a regulated public
1257 utility based on a density formula, private potable wells may be
1258 used with onsite sewage treatment and disposal systems until the
1259 agreed-upon densities are reached. In a subdivision regulated by
1260 this paragraph, the average daily sewage flow may not exceed
1261 2,500 gallons per acre per day. This section does not affect the
1262 validity of existing prior agreements. After October 1, 1991,
1263 the exception provided under this paragraph is not available to
1264 a developer or other appropriate entity.

1265 (d) Paragraphs (a) and (b) do not apply to any proposed
1266 residential subdivision with more than 50 lots or to any
1267 proposed commercial subdivision with more than 5 lots where a

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1268 publicly owned or investor-owned sewerage system is available.
1269 It is the intent of this paragraph not to allow development of
1270 additional proposed subdivisions in order to evade the
1271 requirements of this paragraph.

1272 (e) Onsite sewage treatment and disposal systems must not
1273 be placed closer than:

1274 1. Seventy-five feet from a private potable well.

1275 2. Two hundred feet from a public potable well serving a
1276 residential or nonresidential establishment having a total
1277 sewage flow of greater than 2,000 gallons per day.

1278 3. One hundred feet from a public potable well serving a
1279 residential or nonresidential establishment having a total
1280 sewage flow of less than or equal to 2,000 gallons per day.

1281 4. Fifty feet from any nonpotable well.

1282 5. Ten feet from any storm sewer pipe, to the maximum
1283 extent possible, but in no instance shall the setback be less
1284 than 5 feet.

1285 6. Seventy-five feet from the mean high-water line of a
1286 tidally influenced surface water body.

1287 7. Seventy-five feet from the mean annual flood line of a
1288 permanent nontidal surface water body.

1289 8. Fifteen feet from the design high-water line of
1290 retention areas, detention areas, or swales designed to contain
1291 standing or flowing water for less than 72 hours after a
1292 rainfall or the design high-water level of normally dry drainage
1293 ditches or normally dry individual lot stormwater retention
1294 areas.

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1295 (f) Except as provided under paragraphs (e) and (t), no
1296 limitations shall be imposed by rule, relating to the distance
1297 between an onsite disposal system and any area that either
1298 permanently or temporarily has visible surface water.

1299 (g) All provisions of this section and rules adopted under
1300 this section relating to soil condition, water table elevation,
1301 distance, and other setback requirements must be equally applied
1302 to all lots, with the following exceptions:

1303 1. Any residential lot that was platted and recorded on or
1304 after January 1, 1972, or that is part of a residential
1305 subdivision that was approved by the appropriate permitting
1306 agency on or after January 1, 1972, and that was eligible for an
1307 onsite sewage treatment and disposal system construction permit
1308 on the date of such platting and recording or approval shall be
1309 eligible for an onsite sewage treatment and disposal system
1310 construction permit, regardless of when the application for a
1311 permit is made. If rules in effect at the time the permit
1312 application is filed cannot be met, residential lots platted and
1313 recorded or approved on or after January 1, 1972, shall, to the
1314 maximum extent possible, comply with the rules in effect at the
1315 time the permit application is filed. At a minimum, however,
1316 those residential lots platted and recorded or approved on or
1317 after January 1, 1972, but before January 1, 1983, shall comply
1318 with those rules in effect on January 1, 1983, and those
1319 residential lots platted and recorded or approved on or after
1320 January 1, 1983, shall comply with those rules in effect at the
1321 time of such platting and recording or approval. In determining
1322 the maximum extent of compliance with current rules that is

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1323 possible, the department shall allow structures and
1324 appurtenances thereto which were authorized at the time such
1325 lots were platted and recorded or approved.

1326 2. Lots platted before 1972 are subject to a 50-foot
1327 minimum surface water setback and are not subject to lot size
1328 requirements. The projected daily flow for onsite sewage
1329 treatment and disposal systems for lots platted before 1972 may
1330 not exceed:

1331 a. Two thousand five hundred gallons per acre per day for
1332 lots served by public water systems as defined in s. 403.852.

1333 b. One thousand five hundred gallons per acre per day for
1334 lots served by water systems regulated under s. 381.0062.

1335 (h) 1. The department may grant variances in hardship
1336 cases which may be less restrictive than the provisions
1337 specified in this section. If a variance is granted and the
1338 onsite sewage treatment and disposal system construction permit
1339 has been issued, the variance may be transferred with the system
1340 construction permit, if the transferee files, within 60 days
1341 after the transfer of ownership, an amended construction permit
1342 application providing all corrected information and proof of
1343 ownership of the property and if the same variance would have
1344 been required for the new owner of the property as was
1345 originally granted to the original applicant for the variance.
1346 There is no fee associated with the processing of this
1347 supplemental information. A variance may not be granted under
1348 this section until the department is satisfied that:

1349 a. The hardship was not caused intentionally by the action
1350 of the applicant;

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1351 b. No reasonable alternative, taking into consideration
1352 factors such as cost, exists for the treatment of the sewage;
1353 and

1354 c. The discharge from the onsite sewage treatment and
1355 disposal system will not adversely affect the health of the
1356 applicant or the public or significantly degrade the groundwater
1357 or surface waters.

1358
1359 Where soil conditions, water table elevation, and setback
1360 provisions are determined by the department to be satisfactory,
1361 special consideration must be given to those lots platted before
1362 1972.

1363 2. The department shall appoint and staff a variance
1364 review and advisory committee, which shall meet monthly to
1365 recommend agency action on variance requests. The committee
1366 shall make its recommendations on variance requests at the
1367 meeting in which the application is scheduled for consideration,
1368 except for an extraordinary change in circumstances, the receipt
1369 of new information that raises new issues, or when the applicant
1370 requests an extension. The committee shall consider the criteria
1371 in subparagraph 1. in its recommended agency action on variance
1372 requests and shall also strive to allow property owners the full
1373 use of their land where possible. The committee consists of the
1374 following:

1375 a. ~~The Division Director for Environmental Health of the~~
1376 ~~department~~ State Surgeon General, or his or her designee.

1377 b. A representative from the county health departments.

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1378 c. A representative from the home building industry
1379 recommended by the Florida Home Builders Association.

1380 d. A representative from the septic tank industry
1381 recommended by the Florida Onsite Wastewater Association.

1382 e. A representative from the Department of Environmental
1383 Protection.

1384 f. A representative from the real estate industry who is
1385 also a developer in this state who develops lots using onsite
1386 sewage treatment and disposal systems, recommended by the
1387 Florida Association of Realtors.

1388 g. A representative from the engineering profession
1389 recommended by the Florida Engineering Society.

1390

1391 Members shall be appointed for a term of 3 years, with such
1392 appointments being staggered so that the terms of no more than
1393 two members expire in any one year. Members shall serve without
1394 remuneration, but if requested, shall be reimbursed for per diem
1395 and travel expenses as provided in s. 112.061.

1396 (i) A construction permit may not be issued for an onsite
1397 sewage treatment and disposal system in any area zoned or used
1398 for industrial or manufacturing purposes, or its equivalent,
1399 where a publicly owned or investor-owned sewage treatment system
1400 is available, or where a likelihood exists that the system will
1401 receive toxic, hazardous, or industrial waste. An existing
1402 onsite sewage treatment and disposal system may be repaired if a
1403 publicly owned or investor-owned sewerage system is not
1404 available within 500 feet of the building sewer stub-out and if
1405 system construction and operation standards can be met. This

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1406 paragraph does not require publicly owned or investor-owned
1407 sewerage treatment systems to accept anything other than
1408 domestic wastewater.

1409 1. A building located in an area zoned or used for
1410 industrial or manufacturing purposes, or its equivalent, when
1411 such building is served by an onsite sewage treatment and
1412 disposal system, must not be occupied until the owner or tenant
1413 has obtained written approval from the department. The
1414 department shall not grant approval when the proposed use of the
1415 system is to dispose of toxic, hazardous, or industrial
1416 wastewater or toxic or hazardous chemicals. .

1417 2. Each person who owns or operates a business or facility
1418 in an area zoned or used for industrial or manufacturing
1419 purposes, or its equivalent, or who owns or operates a business
1420 that has the potential to generate toxic, hazardous, or
1421 industrial wastewater or toxic or hazardous chemicals, and uses
1422 an onsite sewage treatment and disposal system that is installed
1423 on or after July 5, 1989, must obtain an annual system operating
1424 permit from the department. A person who owns or operates a
1425 business that uses an onsite sewage treatment and disposal
1426 system that was installed and approved before July 5, 1989, need
1427 not obtain a system operating permit. However, upon change of
1428 ownership or tenancy, the new owner or operator must notify the
1429 department of the change, and the new owner or operator must
1430 obtain an annual system operating permit, regardless of the date
1431 that the system was installed or approved.

1432 3. The department shall periodically review and evaluate
1433 the continued use of onsite sewage treatment and disposal

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1434 systems in areas zoned or used for industrial or manufacturing
1435 purposes, or its equivalent, and may require the collection and
1436 analyses of samples from within and around such systems. If the
1437 department finds that toxic or hazardous chemicals or toxic,
1438 hazardous, or industrial wastewater have been or are being
1439 disposed of through an onsite sewage treatment and disposal
1440 system, the department shall initiate enforcement actions
1441 against the owner or tenant to ensure adequate cleanup,
1442 treatment, and disposal.

1443 (j) An onsite sewage treatment and disposal system for a
1444 single-family residence that is designed by a professional
1445 engineer registered in the state and certified by such engineer
1446 as complying with performance criteria adopted by the department
1447 must be approved by the department subject to the following:

1448 1. The performance criteria applicable to engineer-
1449 designed systems must be limited to those necessary to ensure
1450 that such systems do not adversely affect the public health or
1451 significantly degrade the groundwater or surface water. Such
1452 performance criteria shall include consideration of the quality
1453 of system effluent, the proposed total sewage flow per acre,
1454 wastewater treatment capabilities of the natural or replaced
1455 soil, water quality classification of the potential surface-
1456 water-receiving body, and the structural and maintenance
1457 viability of the system for the treatment of domestic
1458 wastewater. However, performance criteria shall address only the
1459 performance of a system and not a system's design.

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1460 2. The technical review and advisory panel shall assist
1461 the department in the development of performance criteria
1462 applicable to engineer-designed systems.

1463 3. A person electing to utilize an engineer-designed
1464 system shall, upon completion of the system design, submit such
1465 design, certified by a registered professional engineer, to the
1466 county health department. The county health department may
1467 utilize an outside consultant to review the engineer-designed
1468 system, with the actual cost of such review to be borne by the
1469 applicant. Within 5 working days after receiving an engineer-
1470 designed system permit application, the county health department
1471 shall request additional information if the application is not
1472 complete. Within 15 working days after receiving a complete
1473 application for an engineer-designed system, the county health
1474 department either shall issue the permit or, if it determines
1475 that the system does not comply with the performance criteria,
1476 shall notify the applicant of that determination and refer the
1477 application to the department for a determination as to whether
1478 the system should be approved, disapproved, or approved with
1479 modification. The department engineer's determination shall
1480 prevail over the action of the county health department. The
1481 applicant shall be notified in writing of the department's
1482 determination and of the applicant's rights to pursue a variance
1483 or seek review under the provisions of chapter 120.

1484 4. The owner of an engineer-designed performance-based
1485 system must maintain a current maintenance service agreement
1486 with a maintenance entity permitted by the department. The
1487 maintenance entity shall obtain a biennial system operating

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1488 permit from the department for each system under service
1489 contract. The department shall inspect the system at least
1490 annually, or on such periodic basis as the fee collected
1491 permits, and may collect system-effluent samples if appropriate
1492 to determine compliance with the performance criteria. The fee
1493 for the biennial operating permit shall be collected beginning
1494 with the second year of system operation. The maintenance entity
1495 shall inspect each system at least twice each year and shall
1496 report quarterly to the department on the number of systems
1497 inspected and serviced.

1498 5. If an engineer-designed system fails to properly
1499 function or fails to meet performance standards, the system
1500 shall be re-engineered, if necessary, to bring the system into
1501 compliance with the provisions of this section.

1502 (k) An innovative system may be approved in conjunction
1503 with an engineer-designed site-specific system which is
1504 certified by the engineer to meet the performance-based criteria
1505 adopted by the department.

1506 (l) For the Florida Keys, the department shall adopt a
1507 special rule for the construction, installation, modification,
1508 operation, repair, maintenance, and performance of onsite sewage
1509 treatment and disposal systems which considers the unique soil
1510 conditions and water table elevations, densities, and setback
1511 requirements. On lots where a setback distance of 75 feet from
1512 surface waters, saltmarsh, and buttonwood association habitat
1513 areas cannot be met, an injection well, approved and permitted
1514 by the department, may be used for disposal of effluent from
1515 onsite sewage treatment and disposal systems. The following

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1516 additional requirements apply to onsite sewage treatment and
1517 disposal systems in Monroe County:

1518 1. The county, each municipality, and those special
1519 districts established for the purpose of the collection,
1520 transmission, treatment, or disposal of sewage shall ensure, in
1521 accordance with the specific schedules adopted by the
1522 Administration Commission under s. 380.0552, the completion of
1523 onsite sewage treatment and disposal system upgrades to meet the
1524 requirements of this paragraph.

1525 2. Onsite sewage treatment and disposal systems must cease
1526 discharge by December 31, 2015, or must comply with department
1527 rules and provide the level of treatment which, on a permitted
1528 annual average basis, produces an effluent that contains no more
1529 than the following concentrations:

- 1530 a. Biochemical Oxygen Demand (CBOD5) of 10 mg/l.
1531 b. Suspended Solids of 10 mg/l.
1532 c. Total Nitrogen, expressed as N, of 10 mg/l.
1533 d. Total Phosphorus, expressed as P, of 1 mg/l.

1534

1535 In addition, onsite sewage treatment and disposal systems
1536 discharging to an injection well must provide basic disinfection
1537 as defined by department rule.

1538 3. On or after July 1, 2010, all new, modified, and
1539 repaired onsite sewage treatment and disposal systems must
1540 provide the level of treatment described in subparagraph 2.
1541 However, in areas scheduled to be served by central sewer by
1542 December 31, 2015, if the property owner has paid a connection
1543 fee or assessment for connection to the central sewer system, an

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1544 onsite sewage treatment and disposal system may be repaired to
1545 the following minimum standards:

1546 a. The existing tanks must be pumped and inspected and
1547 certified as being watertight and free of defects in accordance
1548 with department rule; and

1549 b. A sand-lined drainfield or injection well in accordance
1550 with department rule must be installed.

1551 4. Onsite sewage treatment and disposal systems must be
1552 monitored for total nitrogen and total phosphorus concentrations
1553 as required by department rule.

1554 5. The department shall enforce proper installation,
1555 operation, and maintenance of onsite sewage treatment and
1556 disposal systems pursuant to this chapter, including ensuring
1557 that the appropriate level of treatment described in
1558 subparagraph 2. is met.

1559 6. The authority of a local government, including a
1560 special district, to mandate connection of an onsite sewage
1561 treatment and disposal system is governed by s. 4, chapter 99-
1562 395, Laws of Florida.

1563 (m) No product sold in the state for use in onsite sewage
1564 treatment and disposal systems may contain any substance in
1565 concentrations or amounts that would interfere with or prevent
1566 the successful operation of such system, or that would cause
1567 discharges from such systems to violate applicable water quality
1568 standards. The department shall publish criteria for products
1569 known or expected to meet the conditions of this paragraph. In
1570 the event a product does not meet such criteria, such product

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1571 may be sold if the manufacturer satisfactorily demonstrates to
1572 the department that the conditions of this paragraph are met.

1573 (n) Evaluations for determining the seasonal high-water
1574 table elevations or the suitability of soils for the use of a
1575 new onsite sewage treatment and disposal system shall be
1576 performed by department personnel, professional engineers
1577 registered in the state, or such other persons with expertise,
1578 as defined by rule, in making such evaluations. Evaluations for
1579 determining mean annual flood lines shall be performed by those
1580 persons identified in paragraph (2) (j) ~~(2) (i)~~. The department
1581 shall accept evaluations submitted by professional engineers and
1582 such other persons as meet the expertise established by this
1583 section or by rule unless the department has a reasonable
1584 scientific basis for questioning the accuracy or completeness of
1585 the evaluation.

1586 (o) The department shall appoint a research review and
1587 advisory committee, which shall meet at least semiannually. The
1588 committee shall advise the department on directions for new
1589 research, review and rank proposals for research contracts, and
1590 review draft research reports and make comments. The committee
1591 is comprised of:

- 1592 1. A representative of the Division of Environmental
1593 Health of the Department of Health The State Surgeon General, or
1594 his or her designee.
- 1595 2. A representative from the septic tank industry.
- 1596 3. A representative from the home building industry.
- 1597 4. A representative from an environmental interest group.

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1598 5. A representative from the State University System, from
1599 a department knowledgeable about onsite sewage treatment and
1600 disposal systems.

1601 6. A professional engineer registered in this state who
1602 has work experience in onsite sewage treatment and disposal
1603 systems.

1604 7. A representative from local government who is
1605 knowledgeable about domestic wastewater treatment.

1606 8. A representative from the real estate profession.

1607 9. A representative from the restaurant industry.

1608 10. A consumer.

1609

1610 Members shall be appointed for a term of 3 years, with the
1611 appointments being staggered so that the terms of no more than
1612 four members expire in any one year. Members shall serve without
1613 remuneration, but are entitled to reimbursement for per diem and
1614 travel expenses as provided in s. 112.061.

1615 (p) An application for an onsite sewage treatment and
1616 disposal system permit shall be completed in full, signed by the
1617 owner or the owner's authorized representative, or by a
1618 contractor licensed under chapter 489, and shall be accompanied
1619 by all required exhibits and fees. No specific documentation of
1620 property ownership shall be required as a prerequisite to the
1621 review of an application or the issuance of a permit. The
1622 issuance of a permit does not constitute determination by the
1623 department of property ownership.

1624 (q) The department may not require any form of subdivision
1625 analysis of property by an owner, developer, or subdivider prior

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1626 to submission of an application for an onsite sewage treatment
1627 and disposal system.

1628 (r) Nothing in this section limits the power of a
1629 municipality or county to enforce other laws for the protection
1630 of the public health and safety.

1631 (s) In the siting of onsite sewage treatment and disposal
1632 systems, including drainfields, shoulders, and slopes, guttering
1633 shall not be required on single-family residential dwelling
1634 units for systems located greater than 5 feet from the roof drip
1635 line of the house. If guttering is used on residential dwelling
1636 units, the downspouts shall be directed away from the
1637 drainfield.

1638 (t) Notwithstanding the provisions of subparagraph (g)1.,
1639 onsite sewage treatment and disposal systems located in
1640 floodways of the Suwannee and Aucilla Rivers must adhere to the
1641 following requirements:

1642 1. The absorption surface of the drainfield shall not be
1643 subject to flooding based on 10-year flood elevations. Provided,
1644 however, for lots or parcels created by the subdivision of land
1645 in accordance with applicable local government regulations prior
1646 to January 17, 1990, if an applicant cannot construct a
1647 drainfield system with the absorption surface of the drainfield
1648 at an elevation equal to or above 10-year flood elevation, the
1649 department shall issue a permit for an onsite sewage treatment
1650 and disposal system within the 10-year floodplain of rivers,
1651 streams, and other bodies of flowing water if all of the
1652 following criteria are met:

1653 a. The lot is at least one-half acre in size;

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1654 b. The bottom of the drainfield is at least 36 inches
1655 above the 2-year flood elevation; and

1656 c. The applicant installs either: a waterless,
1657 incinerating, or organic waste composting toilet and a graywater
1658 system and drainfield in accordance with department rules; an
1659 aerobic treatment unit and drainfield in accordance with
1660 department rules; a system approved by the State Health Office
1661 that is capable of reducing effluent nitrate by at least 50
1662 percent; or a system approved by the county health department
1663 pursuant to department rule other than a system using
1664 alternative drainfield materials. The United States Department
1665 of Agriculture Soil Conservation Service soil maps, State of
1666 Florida Water Management District data, and Federal Emergency
1667 Management Agency Flood Insurance maps are resources that shall
1668 be used to identify flood-prone areas.

1669 2. The use of fill or mounding to elevate a drainfield
1670 system out of the 10-year floodplain of rivers, streams, or
1671 other bodies of flowing water shall not be permitted if such a
1672 system lies within a regulatory floodway of the Suwannee and
1673 Aucilla Rivers. In cases where the 10-year flood elevation does
1674 not coincide with the boundaries of the regulatory floodway, the
1675 regulatory floodway will be considered for the purposes of this
1676 subsection to extend at a minimum to the 10-year flood
1677 elevation.

1678 (u) The owner of an aerobic treatment unit system shall
1679 maintain a current maintenance service agreement with an aerobic
1680 treatment unit maintenance entity permitted by the department.
1681 The maintenance entity shall obtain a system operating permit

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1682 from the department for each aerobic treatment unit under
1683 service contract. The maintenance entity shall inspect each
1684 aerobic treatment unit system at least twice each year and shall
1685 report quarterly to the department on the number of aerobic
1686 treatment unit systems inspected and serviced. The owner shall
1687 allow the department to inspect during reasonable hours each
1688 aerobic treatment unit system at least annually, and such
1689 inspection may include collection and analysis of system-
1690 effluent samples for performance criteria established by rule of
1691 the department.

1692 (v) The department may require the submission of detailed
1693 system construction plans that are prepared by a professional
1694 engineer registered in this state. The department shall
1695 establish by rule criteria for determining when such a
1696 submission is required.

1697 Section 34. Section 381.0068, Florida Statutes, is amended
1698 to read:

1699 381.0068 Technical review and advisory panel.—

1700 (1) The Department of Health shall, ~~by July 1, 1996,~~
1701 establish and staff a technical review and advisory panel to
1702 assist the department with rule adoption.

1703 (2) The primary purpose of the panel is to assist the
1704 department in rulemaking and decisionmaking by drawing on the
1705 expertise of representatives from several groups that are
1706 affected by onsite sewage treatment and disposal systems. The
1707 panel may also review and comment on any legislation or any
1708 existing or proposed state policy or issue related to onsite
1709 sewage treatment and disposal systems. ~~If requested by the~~

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1710 ~~panel, the chair will advise any affected person or member of~~
1711 ~~the Legislature of the panel's position on the legislation or~~
1712 ~~any existing or proposed state policy or issue.~~ The chair may
1713 also take such other action as is appropriate to allow the panel
1714 to function. At a minimum, the panel shall consist of a soil
1715 scientist; a professional engineer registered in this state who
1716 is recommended by the Florida Engineering Society and who has
1717 work experience in onsite sewage treatment and disposal systems;
1718 two representatives from the home-building industry recommended
1719 by the Florida Home Builders Association, including one who is a
1720 developer in this state who develops lots using onsite sewage
1721 treatment and disposal systems; a representative from the county
1722 health departments who has experience permitting and inspecting
1723 the installation of onsite sewage treatment and disposal systems
1724 in this state; a representative from the real estate industry
1725 who is recommended by the Florida Association of Realtors; a
1726 consumer representative with a science background; two
1727 representatives of the septic tank industry recommended by the
1728 Florida Onsite Wastewater Association, including one who is a
1729 manufacturer of onsite sewage treatment and disposal systems; a
1730 representative from local government who is knowledgeable about
1731 domestic wastewater treatment and who is recommended by the
1732 Florida Association of Counties and the Florida League of
1733 Cities; and a representative from the environmental health
1734 profession who is recommended by the Florida Environmental
1735 Health Association and who is not employed by a county health
1736 department. Members are to be appointed for a term of 2 years.
1737 The panel may also, as needed, be expanded to include ad hoc,

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1738 nonvoting representatives who have topic-specific expertise. All
1739 rules proposed by the department which relate to onsite sewage
1740 treatment and disposal systems must be presented to the panel
1741 for review and comment prior to adoption. The panel's position
1742 on proposed rules shall be made a part of the rulemaking record
1743 that is maintained by the agency. The panel shall select a
1744 chair, who shall serve for a period of 1 year and who shall
1745 direct, coordinate, and execute the duties of the panel. The
1746 panel shall also solicit input from the department's variance
1747 review and advisory committee before submitting any comments to
1748 the department concerning proposed rules. The panel's comments
1749 must include any dissenting points of view concerning proposed
1750 rules. The panel shall hold meetings as it determines necessary
1751 to conduct its business, except that the chair, a quorum of the
1752 voting members of the panel, or the department may call
1753 meetings. The department shall keep minutes of all meetings of
1754 the panel. Panel members shall serve without remuneration, but,
1755 if requested, shall be reimbursed for per diem and travel
1756 expenses as provided in s. 112.061.

1757 Section 35. Section 381.00781, Florida Statutes, is
1758 amended to read:

1759 381.00781 Fees; disposition.—

1760 ~~(1)~~ The department shall establish by rule the following
1761 fees:

1762 (1)(a) Fee For the initial licensure of a tattoo
1763 establishment and the renewal of such license, a fee which,
1764 ~~except as provided in subsection (2), may not to~~ exceed \$250 per
1765 year.

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1766 ~~(2)(b)~~ Fee For licensure of a temporary establishment, a
1767 ~~fee which, except as provided in subsection (2), may not to~~
1768 ~~exceed \$250.~~

1769 ~~(3)(e)~~ Fee For the initial licensure of a tattoo artist
1770 and the renewal of such license, a fee ~~which, except as provided~~
1771 ~~in subsection (2), may not to~~ exceed \$150 per year.

1772 ~~(3)(d)~~ Fee For registration or reregistration of a guest
1773 tattoo artist, a fee ~~which, except as provided in subsection~~
1774 ~~(2), may not to~~ exceed \$45.

1775 ~~(4)(e)~~ Fee For reactivation of an inactive tattoo
1776 establishment license or tattoo artist license. A license
1777 becomes inactive if it is not renewed before the expiration of
1778 the current license.

1779 ~~(2)~~ ~~The department may annually adjust the maximum fees~~
1780 ~~authorized under subsection (1) according to the rate of~~
1781 ~~inflation or deflation indicated by the Consumer Price Index for~~
1782 ~~All Urban Consumers, U.S. City Average, All Items, as reported~~
1783 ~~by the United States Department of Labor.~~

1784 Section 36. Subsection (1) of section 381.0086, Florida
1785 Statutes, is amended to read:

1786 381.0086 Rules; variances; penalties.—

1787 (1) The department shall adopt rules necessary to protect
1788 the health and safety of migrant farmworkers and other migrant
1789 labor camp or residential migrant housing occupants, including
1790 rules governing field sanitation facilities. These rules must
1791 include definitions of terms, a process for ~~provisions relating~~
1792 ~~to~~ plan review of the construction of new, expanded, or
1793 remodeled camps or residential migrant housing, sites, buildings

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1794 and structures; and standards for personal hygiene facilities,
1795 ~~lighting~~, sewage disposal, safety, minimum living space per
1796 occupant, bedding, food equipment, food storage and preparation,
1797 insect and rodent control, garbage, heating equipment, water
1798 supply, maintenance and operation of the camp or, ~~housing, or~~
1799 ~~roads~~, and such other matters as the department finds to be
1800 appropriate or necessary to protect the life and health of the
1801 occupants. Housing operated by a public housing authority is
1802 exempt from the provisions of any administrative rule that
1803 conflicts with or is more stringent than the federal standards
1804 applicable to the housing.

1805 Section 37. Subsection (1) of section 381.0098, Florida
1806 Statutes, is amended to read:

1807 381.0098 Biomedical waste.--

1808 (1) LEGISLATIVE INTENT. ~~It is the intent of the~~
1809 ~~Legislature to protect the public health by establishing~~
1810 ~~standards for the safe packaging, transport, storage, treatment,~~
1811 ~~and disposal of biomedical waste.~~ Except as otherwise provided
1812 herein, the Department of Health shall regulate the packaging,
1813 transport, storage, and treatment of biomedical waste. The
1814 Department of Environmental Protection shall regulate onsite and
1815 offsite incineration and disposal of biomedical waste.
1816 Consistent with the foregoing, the Department of Health shall
1817 have the exclusive authority to establish treatment efficacy
1818 standards for biomedical waste and the Department of
1819 Environmental Protection shall have the exclusive authority to
1820 establish statewide standards relating to environmental impacts,
1821 if any, of treatment and disposal including, but not limited to,

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1822 water discharges and air emissions. An interagency agreement
1823 between the Department of Environmental Protection and the
1824 Department of Health shall be developed to ensure maximum
1825 efficiency in coordinating, administering, and regulating
1826 biomedical wastes.

1827 Section 38. Subsections (2) through (8) of section
1828 381.0101, Florida Statutes, are renumbered as subsection (1)
1829 through (7), respectively, and present subsections (2), (3), and
1830 (4) and paragraph (a) of present subsection (5) of that section
1831 are amended to read:

1832 381.0101 Environmental health professionals.—

1833 ~~(1) LEGISLATIVE INTENT. Persons responsible for providing~~
1834 ~~technical and scientific evaluations of environmental health and~~
1835 ~~sanitary conditions in business establishments and communities~~
1836 ~~throughout the state may create a danger to the public health if~~
1837 ~~they are not skilled or competent to perform such evaluations.~~
1838 ~~The public relies on the judgment of environmental health~~
1839 ~~professionals employed by both government agencies and~~
1840 ~~industries to assure them that environmental hazards are~~
1841 ~~identified and removed before they endanger the health or safety~~
1842 ~~of the public. The purpose of this section is to assure the~~
1843 ~~public that persons specifically responsible for performing~~
1844 ~~environmental health and sanitary evaluations have been~~
1845 ~~certified by examination as competent to perform such work.~~

1846 (2)(3) CERTIFICATION REQUIRED.—~~A No person may not shall~~
1847 perform environmental health or sanitary evaluations in any
1848 primary program area of environmental health without being

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1849 certified by the department as competent to perform such
1850 evaluations. This section does not apply to:

1851 (a) Persons performing inspections of public food service
1852 establishments licensed under chapter 509; or

1853 (b) Persons performing site evaluations in order to
1854 determine proper placement and installation of onsite wastewater
1855 treatment and disposal systems who have successfully completed a
1856 department-approved soils morphology course and who are working
1857 under the direct responsible charge of an engineer licensed
1858 under chapter 471.

1859 ~~(3)-(4)~~ ENVIRONMENTAL HEALTH PROFESSIONALS ADVISORY BOARD.-
1860 The State Health Officer shall appoint an advisory board to
1861 assist the department in the promulgation of rules for
1862 certification, testing, establishing standards, and seeking
1863 enforcement actions against certified professionals.

1864 (a) The board shall be comprised of the Division Director
1865 for Emergency Preparedness and Community Support ~~Environmental~~
1866 ~~Health~~ or his or her designee, one individual who will be
1867 certified under this section, one individual not employed in a
1868 governmental capacity who will or does employ a certified
1869 environmental health professional, one individual whose business
1870 is or will be evaluated by a certified environmental health
1871 professional, a citizen of the state who neither employs nor is
1872 routinely evaluated by a person certified under this section.

1873 (b) The board shall advise the department as to the
1874 minimum disciplinary guidelines and standards of competency and
1875 proficiency necessary to obtain certification in a primary area
1876 of environmental health practice.

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1877 1. The board shall recommend primary areas of
1878 environmental health practice in which environmental health
1879 professionals should be required to obtain certification.

1880 2. The board shall recommend minimum standards of practice
1881 which the department shall incorporate into rule.

1882 3. The board shall evaluate and recommend to the
1883 department existing registrations and certifications which meet
1884 or exceed minimum department standards and should, therefore,
1885 exempt holders of such certificates or registrations from
1886 compliance with this section.

1887 4. The board shall hear appeals of certificate denials,
1888 revocation, or suspension and shall advise the department as to
1889 the disposition of such an appeal.

1890 5. The board shall meet as often as necessary, but no less
1891 than semiannually, handle appeals to the department, and conduct
1892 other duties of the board.

1893 6. Members of the board shall receive no compensation but
1894 are entitled to reimbursement for per diem and travel expenses
1895 in accordance with s. 112.061.

1896 ~~(4)~~(5) STANDARDS FOR CERTIFICATION.—The department shall
1897 adopt rules that establish definitions of terms and minimum
1898 standards of education, training, or experience for those
1899 persons subject to this section. The rules must also address the
1900 process for application, examination, issuance, expiration, and
1901 renewal of certification and ethical standards of practice for
1902 the profession.

1903 (a) Persons employed as environmental health professionals
1904 shall exhibit a knowledge of rules and principles of

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1905 environmental and public health law in Florida through
1906 examination. A person may not conduct environmental health
1907 evaluations in a primary program area unless he or she is
1908 currently certified in that program area or works under the
1909 direct supervision of a certified environmental health
1910 professional.

1911 1. All persons who begin employment in a primary
1912 environmental health program on or after September 21, 1994,
1913 must be certified in that program within 6 months after
1914 employment.

1915 2. Persons employed in the primary environmental health
1916 program of a food protection program or an onsite sewage
1917 treatment and disposal system prior to September 21, 1994, shall
1918 be considered certified while employed in that position and
1919 shall be required to adhere to any professional standards
1920 established by the department pursuant to paragraph (b),
1921 complete any continuing education requirements imposed under
1922 paragraph (d), and pay the certificate renewal fee imposed under
1923 subsection (6) ~~(7)~~.

1924 3. Persons employed in the primary environmental health
1925 program of a food protection program or an onsite sewage
1926 treatment and disposal system prior to September 21, 1994, who
1927 change positions or program areas and transfer into another
1928 primary environmental health program area on or after September
1929 21, 1994, must be certified in that program within 6 months
1930 after such transfer, except that they will not be required to
1931 possess the college degree required under paragraph (e).

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1932 4. Registered sanitarians shall be considered certified
1933 and shall be required to adhere to any professional standards
1934 established by the department pursuant to paragraph (b).

1935 Section 39. Section 381.0203, Florida Statutes, is amended
1936 to read:

1937 381.0203 Pharmacy services.—

1938 (1) The department may contract on a statewide basis for
1939 the purchase of drugs, as defined in s. 499.003, to be used by
1940 state agencies and political subdivisions, and may adopt rules
1941 to administer this section.

1942 (2) The department shall establish and maintain a pharmacy
1943 services program, including, but not limited to:

1944 (a) A central pharmacy to support pharmaceutical services
1945 provided by the county health departments, including
1946 pharmaceutical repackaging, dispensing, and the purchase and
1947 distribution of immunizations and other pharmaceuticals.

1948 ~~(b) Regulation of drugs, cosmetics, and household products~~
1949 ~~pursuant to chapter 499.~~

1950 ~~(b)-(e)~~ Consultation to county health departments as
1951 required by s. 154.04(1)(c).

1952 ~~(d) A contraception distribution program which shall be~~
1953 ~~implemented, to the extent resources permit, through the~~
1954 ~~licensed pharmacies of county health departments. A woman who is~~
1955 ~~eligible for participation in the contraceptive distribution~~
1956 ~~program is deemed a patient of the county health department.~~

1957 ~~1. To be eligible for participation in the program a woman~~
1958 ~~must:~~

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- 1959 a. ~~Be a client of the department or the Department of~~
1960 ~~Children and Family Services.~~
- 1961 b. ~~Be of childbearing age with undesired fertility.~~
- 1962 c. ~~Have an income between 150 and 200 percent of the~~
1963 ~~federal poverty level.~~
- 1964 d. ~~Have no Medicaid benefits or applicable health~~
1965 ~~insurance benefits.~~
- 1966 e. ~~Have had a medical examination by a licensed health~~
1967 ~~care provider within the past 6 months.~~
- 1968 f. ~~Have a valid prescription for contraceptives that are~~
1969 ~~available through the contraceptive distribution program.~~
- 1970 g. ~~Consent to the release of necessary medical information~~
1971 ~~to the county health department.~~
- 1972 2. ~~Fees charged for the contraceptives under the program~~
1973 ~~must cover the cost of purchasing and providing contraceptives~~
1974 ~~to women participating in the program.~~
- 1975 3. ~~The department may adopt rules to administer this~~
1976 ~~program.~~

1977 Section 40. Subsection (1) of section 381.0261, Florida
1978 Statutes, is amended to read:

1979 381.0261 Summary of patient's bill of rights;
1980 distribution; penalty.-

1981 (1) The Department of Health shall publish on its Internet
1982 website ~~Agency for Health Care Administration shall have printed~~
1983 ~~and made continuously available to health care facilities~~
1984 ~~licensed under chapter 395, physicians licensed under chapter~~
1985 ~~458, osteopathic physicians licensed under chapter 459, and~~
1986 ~~pediatric physicians licensed under chapter 461~~ a summary of the

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1987 Florida Patient's Bill of Rights and Responsibilities. In
1988 adopting and making available to patients the summary of the
1989 Florida Patient's Bill of Rights and Responsibilities, health
1990 care providers and health care facilities are not limited to the
1991 format in which the department publishes ~~Agency for Health Care~~
1992 ~~Administration prints and distributes~~ the summary.

1993 Section 41. Section 381.0301, Florida Statutes, is
1994 repealed.

1995 Section 42. Section 381.0302, Florida Statutes, is
1996 repealed.

1997 Section 43. Subsection (5) of section 381.0303, Florida
1998 Statutes, is amended to read:

1999 381.0303 Special needs shelters.—

2000 (5) SPECIAL NEEDS SHELTER INTERAGENCY COMMITTEE.—The State
2001 Surgeon General may establish a special needs shelter
2002 interagency committee and serve as, or appoint a designee to
2003 serve as, the committee's chair. The department shall provide
2004 any necessary staff and resources to support the committee in
2005 the performance of its duties. The committee shall address and
2006 resolve problems related to special needs shelters not addressed
2007 in the state comprehensive emergency medical plan and shall
2008 consult on the planning and operation of special needs shelters.

2009 (a) The committee shall—

2010 1- develop, negotiate, and regularly review any necessary
2011 interagency agreements, and—

2012 2- undertake other such activities as the department deems
2013 necessary to facilitate the implementation of this section.

2014 3- ~~Submit recommendations to the Legislature as necessary.~~

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2015 (b) The special needs shelter interagency committee shall
2016 be composed of representatives of emergency management, health,
2017 medical, and social services organizations. Membership shall
2018 include, but shall not be limited to, representatives of the
2019 Departments of Health, Children and Family Services, Elderly
2020 Affairs, and Education; the Agency for Health Care
2021 Administration; the Division of Emergency Management; the
2022 Florida Medical Association; the Florida Osteopathic Medical
2023 Association; Associated Home Health Industries of Florida, Inc.;
2024 the Florida Nurses Association; the Florida Health Care
2025 Association; the Florida Assisted Living Affiliation; the
2026 Florida Hospital Association; the Florida Statutory Teaching
2027 Hospital Council; the Florida Association of Homes for the
2028 Aging; the Florida Emergency Preparedness Association; the
2029 American Red Cross; Florida Hospices and Palliative Care, Inc.;
2030 the Association of Community Hospitals and Health Systems; the
2031 Florida Association of Health Maintenance Organizations; the
2032 Florida League of Health Systems; the Private Care Association;
2033 the Salvation Army; the Florida Association of Aging Services
2034 Providers; the AARP; and the Florida Renal Coalition.

2035 (c) Meetings of the committee shall be held in
2036 Tallahassee, and members of the committee shall serve at the
2037 expense of the agencies or organizations they represent. The
2038 committee shall make every effort to use teleconference or
2039 videoconference capabilities in order to ensure statewide input
2040 and participation.

2041 Section 44. Section 381.04015, Florida Statutes, is
2042 repealed.

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2043 Section 45. Subsections (2), (3), and (4) of section
2044 381.0403, Florida Statutes, are amended to read:

2045 381.0403 The Community Hospital Education Act.—

2046 (2) ESTABLISHMENT OF PROGRAM ~~LEGISLATIVE INTENT.~~—

2047 ~~(a) It is the intent of the Legislature that health care~~
2048 ~~services for the citizens of this state be upgraded and that a~~
2049 ~~program for continuing these services be maintained through a~~
2050 ~~plan for community medical education. The A program is intended~~
2051 ~~established to plan for community medical education, provide~~
2052 ~~additional outpatient and inpatient services, increase the a~~
2053 ~~continuing supply of highly trained physicians, and expand~~
2054 ~~graduate medical education.~~

2055 ~~(b) The Legislature further acknowledges the critical need~~
2056 ~~for increased numbers of primary care physicians to provide the~~
2057 ~~necessary current and projected health and medical services. In~~
2058 ~~order to meet both present and anticipated needs, the~~
2059 ~~Legislature supports an expansion in the number of family~~
2060 ~~practice residency positions. The Legislature intends that the~~
2061 ~~funding for graduate education in family practice be maintained~~
2062 ~~and that funding for all primary care specialties be provided at~~
2063 ~~a minimum of \$10,000 per resident per year. Should funding for~~
2064 ~~this act remain constant or be reduced, it is intended that all~~
2065 ~~programs funded by this act be maintained or reduced~~
2066 ~~proportionately.~~

2067 (3) PROGRAM FOR COMMUNITY HOSPITAL EDUCATION; STATE AND
2068 LOCAL PLANNING.—

2069 (a) ~~There is established under the Department of Health a~~
2070 ~~program for statewide graduate medical education. It is intended~~

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2071 ~~that continuing graduate medical education programs for interns~~
2072 ~~and residents be established on a statewide basis.~~ The program
2073 shall provide financial support for primary care specialty
2074 interns and residents based on recommendations of policies
2075 ~~recommended and approved by~~ the Community Hospital Education
2076 Council, herein established, and the Department of Health, as
2077 authorized by the General Appropriations Act. Only those
2078 programs with at least three residents or interns in each year
2079 of the training program are qualified to apply for financial
2080 support. Programs with fewer than three residents or interns per
2081 training year are qualified to apply for financial support, but
2082 only if the appropriate accrediting entity for the particular
2083 specialty has approved the program for fewer positions. New
2084 ~~programs added after fiscal year 1997-1998~~ shall have 5 years to
2085 attain the requisite number of residents or interns. When
2086 feasible and to the extent allowed through the General
2087 Appropriations Act, state funds shall be used to generate
2088 federal matching funds under Medicaid, or other federal
2089 programs, and the resulting combined state and federal funds
2090 shall be allocated to participating hospitals for the support of
2091 graduate medical education.

2092 (b) For the purposes of this section, primary care
2093 specialties include emergency medicine, family practice,
2094 internal medicine, pediatrics, psychiatry,
2095 obstetrics/gynecology, and combined pediatrics and internal
2096 medicine, and other primary care specialties as may be included
2097 by the council and Department of Health.

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2098 (c) Medical institutions throughout the state may apply to
2099 the Community Hospital Education Council for grants-in-aid for
2100 financial support of their approved programs. Recommendations
2101 for funding of approved programs shall be forwarded to the
2102 Department of Health.

2103 (d) The program shall provide a plan for community
2104 clinical teaching and training with the cooperation of the
2105 medical profession, hospitals, and clinics. The plan shall also
2106 include formal teaching opportunities for intern and resident
2107 training. In addition, the plan shall establish an off-campus
2108 medical faculty with university faculty review to be located
2109 throughout the state in local communities.

2110 (4) PROGRAM FOR GRADUATE MEDICAL EDUCATION INNOVATIONS.—

2111 (a) There is established under the Department of Health a
2112 program for fostering graduate medical education innovations.
2113 Funds appropriated annually by the Legislature for this purpose
2114 shall be distributed to participating hospitals or consortia of
2115 participating hospitals and Florida medical schools or to a
2116 Florida medical school for the direct costs of providing
2117 graduate medical education in community-based clinical settings
2118 on a competitive grant or formula basis to achieve state health
2119 care workforce policy objectives, including, but not limited to:

2120 1. Increasing the number of residents in primary care and
2121 other high demand specialties or fellowships;

2122 2. Enhancing retention of primary care physicians in
2123 Florida practice;

2124 3. Promoting practice in medically underserved areas of
2125 the state;

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2126 4. Encouraging racial and ethnic diversity within the
2127 state's physician workforce; and

2128 5. Encouraging increased production of geriatricians.

2129 (b) Participating hospitals or consortia of participating
2130 hospitals and Florida medical schools or a Florida medical
2131 school providing graduate medical education in community-based
2132 clinical settings may apply to the Community Hospital Education
2133 Council for funding under this innovations program, except when
2134 such innovations directly compete with services or programs
2135 provided by participating hospitals or consortia of
2136 participating hospitals, or by both hospitals and consortia.
2137 Innovations program funding shall be allocated ~~provide funding~~
2138 based on recommendations of ~~polices recommended and approved by~~
2139 the Community Hospital Education Council and the Department of
2140 Health, as authorized by the General Appropriations Act.

2141 (c) Participating hospitals or consortia of participating
2142 hospitals and Florida medical schools or Florida medical schools
2143 awarded an innovations grant shall provide the Community
2144 Hospital Education Council and Department of Health with an
2145 annual report on their project.

2146 Section 46. Subsection (7) of section 381.0405, Florida
2147 Statutes, is amended to read:

2148 381.0405 Office of Rural Health.—

2149 ~~(7) APPROPRIATION. The Legislature shall appropriate such~~
2150 ~~sums as are necessary to support the Office of Rural Health.~~

2151 Section 47. Subsection (3) of section 381.0406, Florida
2152 Statutes, is amended to read:

2153 381.0406 Rural health networks.—

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2154 (3) ~~Because each rural area is unique, with a different~~
2155 ~~health care provider mix,~~ Health care provider membership may
2156 vary, but all networks shall include members that provide public
2157 health, comprehensive primary care, emergency medical care, and
2158 acute inpatient care.

2159 Section 48. Effective October 1, 2014, section 381.0407,
2160 Florida Statutes, is repealed.

2161 Section 49. Section 381.045, Florida Statutes, is
2162 repealed.

2163 Section 50. Subsection (7) of section 381.06015, Florida
2164 Statutes, is amended to read:

2165 381.06015 Public Cord Blood Tissue Bank.-

2166 ~~(7) In order to fund the provisions of this section the~~
2167 ~~consortium participants, the Agency for Health Care~~
2168 ~~Administration, and the Department of Health shall seek private~~
2169 ~~or federal funds to initiate program actions for fiscal year~~
2170 ~~2000-2001.~~

2171 Section 51. Section 381.0605, Florida Statutes, is
2172 repealed.

2173 Section 52. Section 381.1001-381.103, Florida Statutes,
2174 are repealed.

2175 Section 53. Subsections (3) through (5) of section
2176 381.4018, Florida Statutes, are renumbered as subsections (2)
2177 through (4), respectively, and present subsection (2) and
2178 paragraph (f) of present subsection (4) of that section are
2179 amended to read:

2180 381.4018 Physician workforce assessment and development.-

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2181 ~~(2) LEGISLATIVE INTENT. The Legislature recognizes that~~
2182 ~~physician workforce planning is an essential component of~~
2183 ~~ensuring that there is an adequate and appropriate supply of~~
2184 ~~well trained physicians to meet this state's future health care~~
2185 ~~service needs as the general population and elderly population~~
2186 ~~of the state increase. The Legislature finds that items to~~
2187 ~~consider relative to assessing the physician workforce may~~
2188 ~~include physician practice status, specialty mix, geographic~~
2189 ~~distribution, demographic information, including, but not~~
2190 ~~limited to, age, gender, race, and cultural considerations, and~~
2191 ~~needs of current or projected medically underserved areas in the~~
2192 ~~state. Long term strategic planning is essential as the period~~
2193 ~~from the time a medical student enters medical school to~~
2194 ~~completion of graduate medical education may range from 7 to 10~~
2195 ~~years or longer. The Legislature recognizes that strategies to~~
2196 ~~provide for a well trained supply of physicians must include~~
2197 ~~ensuring the availability and capacity of quality medical~~
2198 ~~schools and graduate medical education programs in this state,~~
2199 ~~as well as using new or existing state and federal programs~~
2200 ~~providing incentives for physicians to practice in needed~~
2201 ~~specialties and in underserved areas in a manner that addresses~~
2202 ~~projected needs for physician manpower.~~

2203 ~~(3)-(4) GENERAL FUNCTIONS.~~—The department shall maximize
2204 the use of existing programs under the jurisdiction of the
2205 department and other state agencies and coordinate governmental
2206 and nongovernmental stakeholders and resources in order to
2207 develop a state strategic plan and assess the implementation of

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2208 such strategic plan. In developing the state strategic plan, the
2209 department shall:

2210 (f) Develop strategies to maximize federal and state
2211 programs that provide for the use of incentives to attract
2212 physicians to this state or retain physicians within the state.
2213 Such strategies should explore and maximize federal-state
2214 partnerships that provide incentives for physicians to practice
2215 in federally designated shortage areas. Strategies shall also
2216 consider the use of state programs, such as the ~~Florida Health~~
2217 ~~Service Corps established pursuant to s. 381.0302 and the~~
2218 ~~Medical Education Reimbursement and Loan Repayment Program~~
2219 ~~pursuant to s. 1009.65, which provide for education loan~~
2220 ~~repayment or loan forgiveness and provide monetary incentives~~
2221 ~~for physicians to relocate to underserved areas of the state.~~

2222 Section 54. Section 381.60225, Florida Statutes, is
2223 repealed.

2224 Section 55. Sections 381.732-381.734, Florida Statutes,
2225 are repealed.

2226 Section 56. Section 381.7352, Florida Statutes, is amended
2227 to read:

2228 381.7352 Legislative findings and intent.-

2229 ~~(1) The Legislature finds that despite state investments~~
2230 ~~in health care programs, certain racial and ethnic populations~~
2231 ~~in Florida continue to have significantly poorer health outcomes~~
2232 ~~when compared to non-Hispanic whites. The Legislature finds that~~
2233 ~~local solutions to health care problems can have a dramatic and~~
2234 ~~positive effect on the health status of these populations. Local~~
2235 ~~governments and communities are best equipped to identify the~~

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2236 ~~health education, health promotion, and disease prevention needs~~
2237 ~~of the racial and ethnic populations in their communities,~~
2238 ~~mobilize the community to address health outcome disparities,~~
2239 ~~enlist and organize local public and private resources, and~~
2240 ~~faith based organizations to address these disparities, and~~
2241 ~~evaluate the effectiveness of interventions.~~

2242 (2) It is therefore the intent of the Legislature to
2243 provide funds within Florida counties and Front Porch Florida
2244 Communities, in the form of Reducing Racial and Ethnic Health
2245 Disparities: Closing the Gap grants, to stimulate the
2246 development of community-based and neighborhood-based projects
2247 which will improve the health outcomes of racial and ethnic
2248 populations. Further, it is the intent of the Legislature that
2249 these programs foster the development of coordinated,
2250 collaborative, and broad-based participation by public and
2251 private entities, and faith-based organizations. Finally, it is
2252 the intent of the Legislature that the grant program function as
2253 a partnership between state and local governments, faith-based
2254 organizations, and private sector health care providers,
2255 including managed care, voluntary health care resources, social
2256 service providers, and nontraditional partners.

2257 Section 57. Subsection (3) of section 381.7353, Florida
2258 Statutes, is amended to read:

2259 381.7353 Reducing Racial and Ethnic Health Disparities:
2260 Closing the Gap grant program; administration; department
2261 duties.-

2262 ~~(3) Pursuant to s. 20.43(6), the State Surgeon General may~~
2263 ~~appoint an ad hoc advisory committee to: examine areas where~~

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2264 ~~public awareness, public education, research, and coordination~~
2265 ~~regarding racial and ethnic health outcome disparities are~~
2266 ~~lacking; consider access and transportation issues which~~
2267 ~~contribute to health status disparities; and make~~
2268 ~~recommendations for closing gaps in health outcomes and~~
2269 ~~increasing the public's awareness and understanding of health~~
2270 ~~disparities that exist between racial and ethnic populations.~~

2271 Section 58. Subsections (5) and (6) of section 381.7356,
2272 Florida Statutes, are renumbered as subsections (4) and (5),
2273 respectively, and present subsection (4) of that section is
2274 amended to read:

2275 381.7356 Local matching funds; grant awards.—

2276 ~~(4) Dissemination of grant awards shall begin no later~~
2277 ~~than January 1, 2001.~~

2278 Section 59. Subsection (3) of section 381.765, Florida
2279 Statutes, is amended to read:

2280 381.765 Retention of title to and disposal of equipment.—

2281 ~~(3) The department may adopt rules relating to records and~~
2282 ~~recordkeeping for department owned property referenced in~~
2283 ~~subsections (1) and (2).~~

2284 Section 60. Section 381.77, Florida Statutes, is repealed.

2285 Section 61. Section 381.795, Florida Statutes, is
2286 repealed.

2287 Section 62. Subsections (2) through (5) of section
2288 381.853, Florida Statutes, are renumbered as subsections (1)
2289 through (4), respectively, and present subsection (1) of that
2290 section is amended to read:

2291 381.853 Florida Center for Brain Tumor Research.—

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2292 ~~(1) The Legislature finds that each year an estimated~~
2293 ~~190,000 citizens of the United States are diagnosed with~~
2294 ~~cancerous and noncancerous brain tumors and that biomedical~~
2295 ~~research is the key to finding cures for these tumors. The~~
2296 ~~Legislature further finds that, although brain tumor research is~~
2297 ~~being conducted throughout the state, there is a lack of~~
2298 ~~coordinated efforts among researchers and health care providers.~~
2299 ~~Therefore, the Legislature finds that there is a significant~~
2300 ~~need for a coordinated effort to achieve the goal of curing~~
2301 ~~brain tumors. The Legislature further finds that the biomedical~~
2302 ~~technology sector meets the criteria of a high impact sector,~~
2303 ~~pursuant to s. 288.108(6), having a high importance to the~~
2304 ~~state's economy with a significant potential for growth and~~
2305 ~~contribution to our universities and quality of life.~~

2306 Section 63. Section 381.855, Florida Statutes, is
2307 repealed.

2308 Section 64. Section 381.87, Florida Statutes, is repealed.

2309 Section 65. Section 381.90, Florida Statutes, is repealed.

2310 Section 66. Subsection (1) of section 381.91, Florida
2311 Statutes, is amended to read:

2312 381.91 Jessie Trice Cancer Prevention Program.—

2313 (1) It is the intent of the Legislature to:

2314 ~~(a) Reduce the rates of illness and death from lung cancer~~
2315 ~~and other cancers and improve the quality of life among low-~~
2316 ~~income African American and Hispanic populations through~~
2317 ~~increased access to early, effective screening and diagnosis,~~
2318 ~~education, and treatment programs.~~

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2319 ~~(b)~~ create a community faith-based disease-prevention
2320 program in conjunction with the Health Choice Network and other
2321 community health centers to build upon the natural referral and
2322 education networks in place within minority communities and to
2323 increase access to health service delivery in Florida and-

2324 ~~(e)~~ establish a funding source to build upon local private
2325 participation to sustain the operation of the program.

2326 Section 67. Subsection (5) of section 381.922, Florida
2327 Statutes, is amended to read:

2328 381.922 William G. "Bill" Bankhead, Jr., and David Coley
2329 Cancer Research Program.—

2330 (5) The William G. "Bill" Bankhead, Jr., and David Coley
2331 Cancer Research Program is funded pursuant to s. 215.5602(12).
2332 Funds appropriated for the William G. "Bill" Bankhead, Jr., and
2333 David Coley Cancer Research Program shall be distributed
2334 pursuant to this section to provide grants to researchers
2335 seeking cures for cancer and cancer-related illnesses, with
2336 emphasis given to the goals enumerated in this section. From the
2337 total funds appropriated, an amount of up to 10 percent may be
2338 used for administrative expenses. ~~From funds appropriated to~~
2339 ~~accomplish the goals of this section, up to \$250,000 shall be~~
2340 ~~available for the operating costs of the Florida Center for~~
2341 ~~Universal Research to Eradicate Disease.~~

2342 Section 68. Effective July 1, 2012, Section 385.210,
2343 Florida Statutes, is repealed.

2344 Section 69. Section 391.016, Florida Statutes, is amended
2345 to read:

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2346 391.016 Purposes and functions ~~Legislative intent.~~—The
2347 ~~Legislature intends that the~~ Children's Medical Services program
2348 is established for the following purposes and authorized to
2349 perform the following functions:

2350 (1) Provide to children with special health care needs a
2351 family-centered, comprehensive, and coordinated statewide
2352 managed system of care that links community-based health care
2353 with multidisciplinary, regional, and tertiary pediatric
2354 specialty care. The program shall coordinate and maintain a
2355 consistent ~~may provide for the coordination and maintenance of~~
2356 ~~consistency of the~~ medical home for participating children ~~in~~
2357 ~~families with a Children's Medical Services program participant,~~
2358 ~~in order to achieve family centered care.~~

2359 (2) Provide essential preventive, evaluative, and early
2360 intervention services for children at risk for or having special
2361 health care needs, in order to prevent or reduce long-term
2362 disabilities.

2363 ~~(3) Serve as a principal provider for children with~~
2364 ~~special health care needs under Titles XIX and XXI of the Social~~
2365 ~~Security Act.~~

2366 ~~(4) Be complementary to children's health training~~
2367 ~~programs essential for the maintenance of a skilled pediatric~~
2368 ~~health care workforce for all Floridians.~~

2369 Section 70. Section 391.021, Florida Statutes, is amended
2370 to read:

2371 391.021 Definitions.—When used in this act, the term
2372 ~~unless the context clearly indicates otherwise:~~

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2373 (1) "Children's Medical Services network" or "network"
2374 means a statewide managed care service system that includes
2375 health care providers, as defined in this section.

2376 (2) "Children with special health care needs" means those
2377 children younger than 21 years of age who have chronic and
2378 serious physical, developmental, behavioral, or emotional
2379 conditions and who ~~also~~ require health care and related services
2380 of a type or amount beyond that which is generally required by
2381 children.

2382 (3) "Department" means the Department of Health.

2383 (4) "Eligible individual" means a child with a special
2384 health care need or a female with a high-risk pregnancy, who
2385 meets the financial and medical eligibility standards
2386 established in s. 391.029.

2387 (5) "Health care provider" means a health care
2388 professional, health care facility, or entity licensed or
2389 certified to provide health services in this state that meets
2390 the criteria as established by the department.

2391 (6) "Health services" includes the prevention, diagnosis,
2392 and treatment of human disease, pain, injury, deformity, or
2393 disabling conditions.

2394 (7) "Participant" means an eligible individual who is
2395 enrolled in the Children's Medical Services program.

2396 (8) "Program" means the Children's Medical Services
2397 program established in the department.

2398 Section 71. Section 391.025, Florida Statutes, is amended
2399 to read:

2400 391.025 Applicability and scope.—

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2401 (1) The Children's Medical Services program consists of
2402 the following components:

2403 (a) The newborn screening program established in s.
2404 383.14.

2405 (b) The regional perinatal intensive care centers program
2406 established in ss. 383.15-383.21.

2407 ~~(c) A federal or state program authorized by the~~
2408 ~~Legislature.~~

2409 ~~(c)(d)~~ The developmental evaluation and intervention
2410 program, including the Florida Infants and Toddlers Early
2411 Intervention Program.

2412 ~~(d)(e)~~ The Children's Medical Services network.

2413 (2) The Children's Medical Services program shall not be
2414 deemed an insurer and is not subject to the licensing
2415 requirements of the Florida Insurance Code or the rules adopted
2416 thereunder, ~~when providing services to children who receive~~
2417 ~~Medicaid benefits, other Medicaid eligible children with special~~
2418 ~~health care needs, and children participating in the Florida~~
2419 ~~Kidecare program.~~

2420 Section 72. Section 391.026, Florida Statutes, is amended
2421 to read:

2422 391.026 Powers and duties of the department.—The
2423 department shall have the following powers, duties, and
2424 responsibilities:

2425 (1) To provide or contract for the provision of health
2426 services to eligible individuals.

2427 (2) To provide services to abused and neglected children
2428 through child protective teams pursuant to s. 39.303.

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2429 ~~(3)-(2)~~ To ~~determine the medical and financial eligibility~~
2430 ~~standards for the program and to~~ determine the medical and
2431 financial eligibility of individuals seeking health services
2432 from the program.

2433 ~~(3)~~ To ~~recommend priorities for the implementation of~~
2434 ~~comprehensive plans and budgets.~~

2435 (4) To coordinate a comprehensive delivery system for
2436 eligible individuals to take maximum advantage of all available
2437 funds.

2438 (5) To ~~promote, establish, and~~ coordinate with programs
2439 relating to children's medical services in cooperation with
2440 other public and private agencies ~~and to coordinate funding of~~
2441 ~~health care programs with federal, state, or local indigent~~
2442 ~~health care funding mechanisms.~~

2443 (6) To initiate and, ~~coordinate, and request review of~~
2444 applications to federal agencies and private organizations ~~and~~
2445 ~~state agencies~~ for funds, services, or commodities relating to
2446 children's medical programs.

2447 (7) To sponsor or promote grants for projects, programs,
2448 education, or research in the field of ~~medical needs of~~ children
2449 with special health needs, with an emphasis on early diagnosis
2450 and treatment.

2451 (8) To oversee and operate the Children's Medical Services
2452 network.

2453 (9) To establish reimbursement mechanisms for the
2454 Children's Medical Services network.

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2455 (10) To establish Children's Medical Services network
2456 standards and credentialing requirements for health care
2457 providers and health care services.

2458 (11) To serve as a provider and principal case manager for
2459 children with special health care needs under Titles XIX and XXI
2460 of the Social Security Act.

2461 (12) To monitor the provision of health services in the
2462 program, including the utilization and quality of health
2463 services.

2464 (13) To administer the Children with Special Health Care
2465 Needs program in accordance with Title V of the Social Security
2466 Act.

2467 (14) To establish and operate a grievance resolution
2468 process for participants and health care providers.

2469 (15) To maintain program integrity in the Children's
2470 Medical Services program.

2471 (16) To receive and manage health care premiums,
2472 capitation payments, and funds from federal, state, local, and
2473 private entities for the program. The department may contract
2474 with a third-party administrator for processing claims,
2475 monitoring medical expenses, and other related services
2476 necessary to the efficient and cost-effective operation of the
2477 Children's Medical Services network. The department is
2478 authorized to maintain a minimum reserve for the Children's
2479 Medical Services network in an amount that is the greater of:

2480 (a) Ten percent of total projected expenditures for Title
2481 XIX-funded and Title XXI-funded children; or

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2482 (b) Two percent of total annualized payments from the
2483 Agency for Health Care Administration for Title XIX and Title
2484 XXI of the Social Security Act.

2485 (17) To provide or contract for ~~appoint health care~~
2486 ~~consultants for the purpose of providing peer review and other~~
2487 ~~quality-improvement activities making recommendations to enhance~~
2488 ~~the delivery and quality of services in the Children's Medical~~
2489 ~~Services program.~~

2490 (18) To adopt rules pursuant to ss. 120.536(1) and 120.54
2491 to administer the Children's Medical Services Act. ~~The rules may~~
2492 ~~include requirements for definitions of terms, program~~
2493 ~~organization, and program description; a process for selecting~~
2494 ~~an area medical director; responsibilities of applicants and~~
2495 ~~clients; requirements for service applications, including~~
2496 ~~required medical and financial information; eligibility~~
2497 ~~requirements for initial treatment and for continued~~
2498 ~~eligibility, including financial and custody issues;~~
2499 ~~methodologies for resource development and allocation, including~~
2500 ~~medical and financial considerations; requirements for~~
2501 ~~reimbursement services rendered to a client; billing and payment~~
2502 ~~requirements for providers; requirements for qualification,~~
2503 ~~appointments, verification, and emergency exceptions for health-~~
2504 ~~professional consultants; general and diagnostic specific~~
2505 ~~standards for diagnostic and treatment facilities; and standards~~
2506 ~~for the method of service delivery, including consultant~~
2507 ~~services, respect for privacy considerations, examination~~
2508 ~~requirements, family support plans, and clinic design.~~

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2509 Section 73. Section 391.028, Florida Statutes, is amended
2510 to read:

2511 391.028 Administration. ~~The Children's Medical Services~~
2512 ~~program shall have a central office and area offices.~~

2513 (1) The Director of Children's Medical Services must be a
2514 physician licensed under chapter 458 or chapter 459 who has
2515 specialized training and experience in the provision of health
2516 care to children and who has recognized skills in leadership and
2517 the promotion of children's health programs. The director shall
2518 be the deputy secretary and the Deputy State Health Officer for
2519 Children's Medical Services and is appointed by and reports to
2520 the State Surgeon General. The director may appoint such other
2521 staff as necessary for the operation of the program division
2522 directors subject to the approval of the State Surgeon General.

2523 (2) The director shall provide for operational system
2524 using such department staff and contract providers as necessary.
2525 The program shall implement the following program activities
2526 under physician supervision on a statewide basis designate
2527 ~~Children's Medical Services area offices to perform operational~~
2528 ~~activities, including, but not limited to:~~

2529 (a) ~~Providing~~ Case management services for the network
2530 participants;-

2531 (b) Management and Providing local oversight of local the
2532 program activities;-

2533 (c) ~~Determining an individual's~~ Medical and financial
2534 eligibility determination for the program in accordance with s.
2535 391.029;-

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2536 (d) ~~Participating in the~~ Determination of a level of care
 2537 and medical complexity for long-term care services;~~;~~

2538 (e) Authorizing services in the program and developing
 2539 spending plans;~~;~~

2540 (f) ~~Participating in the~~ Development of treatment plans;
 2541 ~~and;~~

2542 (g) ~~Taking part in the~~ Resolution of complaints and
 2543 grievances from participants and health care providers.

2544 (3) Each Children's Medical Services area office shall be
 2545 directed by a physician licensed under chapter 458 or chapter
 2546 459 who has specialized training and experience in the provision
 2547 of health care to children. The director of a Children's Medical
 2548 Services area office shall be appointed by the director from the
 2549 active panel of Children's Medical Services physician
 2550 consultants.

2551 Section 74. Section 391.029, Florida Statutes, is amended
 2552 to read:

2553 391.029 Program eligibility.—

2554 (1) Eligibility ~~The department shall establish the medical~~
 2555 ~~criteria to determine if an applicant~~ for the Children's Medical
 2556 Services program is based on the diagnosis of one or more
 2557 chronic and serious medical conditions and the family's need for
 2558 specialized services that are not available or accessible by the
 2559 family from any other source ~~an eligible individual.~~

2560 (2) The following individuals are ~~financially~~ eligible to
 2561 receive services through the program:

2562 (a) A high-risk pregnant female who is enrolled in
 2563 ~~eligible for~~ Medicaid.

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2564 (b) Children with serious special health care needs from
2565 birth to 21 years of age who are enrolled in eligible for
2566 Medicaid.

2567 (c) Children with serious special health care needs from
2568 birth to 19 years of age who are enrolled in eligible for a
2569 program under Title XXI of the Social Security Act.

2570 (3) Subject to the availability of funds, the following
2571 individuals may receive services through the program:

2572 (a) Children with serious special health care needs from
2573 birth to 21 years of age who do not qualify for Medicaid or
2574 whose family income is above the requirements for financial
2575 eligibility under Title XXI of the Social Security Act but who
2576 are unable to access, due to lack of providers or lack of
2577 financial resources, specialized services that are medically
2578 necessary or essential family support services and whose
2579 projected annual cost of care adjusts the family income to
2580 Medicaid financial criteria. Families In cases where the family
2581 income is adjusted based on a projected annual cost of care, the
2582 family shall participate financially in the cost of care based
2583 on a sliding fee scale criteria established by the department.

2584 (b) Children with special health care needs from birth to
2585 21 years of age, as provided in Title V of the Social Security
2586 Act.

2587 (c) An infant who receives an award of compensation under
2588 s. 766.31(1). The Florida Birth-Related Neurological Injury
2589 Compensation Association shall reimburse the Children's Medical
2590 Services Network the state's share of funding, which must

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2591 thereafter be used to obtain matching federal funds under Title
2592 XXI of the Social Security Act.

2593 ~~(4) The department shall determine the financial and~~
2594 ~~medical eligibility of children for the program. The department~~
2595 ~~shall also determine the financial ability of the parents, or~~
2596 ~~persons or other agencies having legal custody over such~~
2597 ~~individuals, to pay the costs of health services under the~~
2598 ~~program. The department may pay reasonable travel expenses~~
2599 ~~related to the determination of eligibility for or the provision~~
2600 ~~of health services.~~

2601 (4)-(5) Any child who has been provided with surgical or
2602 medical care or treatment under this act prior to being adopted
2603 and has serious and chronic special health needs shall continue
2604 to be eligible to be provided with such care or treatment after
2605 his or her adoption, regardless of the financial ability of the
2606 persons adopting the child.

2607 Section 75. Section 391.0315, Florida Statutes, is amended
2608 to read:

2609 391.0315 Benefits.—Benefits provided under the program for
2610 children with special health care needs shall be equivalent to
2611 ~~the same~~ benefits provided to children as specified in ss.
2612 409.905 and 409.906. The department may offer additional
2613 benefits for early intervention services, respite services,
2614 genetic testing, genetic and nutritional counseling, and parent
2615 support services, if such services are determined to be
2616 medically necessary. ~~No child or person determined eligible for~~
2617 ~~the program who is eligible under Title XIX or Title XXI of the~~
2618 ~~Social Security Act shall receive any service other than an~~

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2619 ~~initial health care screening or treatment of an emergency~~
2620 ~~medical condition as defined in s. 395.002, until such child or~~
2621 ~~person is enrolled in Medicaid or a Title XXI program.~~

2622 Section 76. Effective January 1, 2013, section 392.51,
2623 Florida Statutes, is amended to read:

2624 392.51 Tuberculosis control Findings and intent.-A
2625 statewide system is established to control tuberculosis
2626 infection and mitigate its effects. The system consists The
2627 ~~Legislature finds and declares that active tuberculosis is a~~
2628 ~~highly contagious infection that is sometimes fatal and~~
2629 ~~constitutes a serious threat to the public health. The~~
2630 ~~Legislature finds that there is a significant reservoir of~~
2631 ~~tuberculosis infection in this state and that there is a need to~~
2632 ~~develop community programs to identify tuberculosis and to~~
2633 ~~respond quickly with appropriate measures. The Legislature finds~~
2634 ~~that some patients who have active tuberculosis have complex~~
2635 ~~medical, social, and economic problems that make outpatient~~
2636 ~~control of the disease difficult, if not impossible, without~~
2637 ~~posing a threat to the public health. The Legislature finds that~~
2638 ~~in order to protect the citizenry from those few persons who~~
2639 ~~pose a threat to the public, it is necessary to establish a~~
2640 ~~system of mandatory contact identification, treatment to cure,~~
2641 ~~hospitalization, and isolation for contagious cases, and to~~
2642 ~~provide a system of voluntary, community-oriented care and~~
2643 ~~surveillance in all other cases. The Legislature finds that the~~
2644 ~~delivery of Tuberculosis control services shall be provided is~~
2645 ~~best accomplished by the coordinated efforts of the respective~~
2646 ~~county health departments and contracted or other private health~~

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2647 ~~care providers, the A.G. Holley State Hospital, and the private~~
2648 ~~health care delivery system.~~

2649 Section 77. Effective January 1, 2013, subsection (4) of
2650 section 392.61, Florida Statutes, is amended to read:

2651 392.61 Community tuberculosis control programs.—

2652 ~~(4) The department shall develop, by rule, a methodology~~
2653 ~~for distributing funds appropriated for tuberculosis control~~
2654 ~~programs. Criteria to be considered in this methodology include,~~
2655 ~~but are not limited to, the basic infrastructure available for~~
2656 ~~tuberculosis control, caseload requirements, laboratory support~~
2657 ~~services needed, and epidemiologic factors.~~

2658 Section 78. Effective January 1, 2013, section 392.62,
2659 Florida Statutes, is amended to read:

2660 392.62 Hospitalization and placement programs.—

2661 (1) The department shall contract for operation of operate
2662 a program for the treatment hospitalization of persons who have
2663 active tuberculosis in hospitals licensed under chapter 395 and
2664 may provide for appropriate placement of persons who have active
2665 tuberculosis in other health care facilities or residential
2666 facilities. The department shall require the contractor to use
2667 existing licensed community hospitals and other facilities for
2668 the care and treatment to cure of persons who have active
2669 tuberculosis or a history of noncompliance with prescribed drug
2670 regimens and require inpatient or other residential services.

2671 ~~(2) The department may operate a licensed hospital for the~~
2672 ~~care and treatment to cure of persons who have active~~
2673 ~~tuberculosis. The hospital may have a forensic unit where, under~~
2674 ~~medical protocol, a patient can be held in a secure or~~

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2675 ~~protective setting. The department shall also seek to maximize~~
2676 ~~use of existing licensed community hospitals for the care and~~
2677 ~~treatment to cure of persons who have active tuberculosis.~~

2678 (2)-(3) The program for control of tuberculosis shall
2679 provide funding for participating facilities and require any
2680 such facilities to meet the following conditions Any licensed
2681 ~~hospital operated by the department, any licensed hospital under~~
2682 ~~contract with the department, and any other health care facility~~
2683 ~~or residential facility operated by or under contract with the~~
2684 ~~department for the care and treatment of patients who have~~
2685 ~~active tuberculosis shall:~~

2686 (a) Admit patients voluntarily and under court order as
2687 appropriate for each particular facility;

2688 (b) Require that each patient pay the actual cost of care
2689 provided whether the patient is admitted voluntarily or by court
2690 order;

2691 (c) Provide for ~~a method of paying for~~ the care of
2692 patients in the program regardless of ability to pay ~~who cannot~~
2693 ~~afford to do so;~~

2694 (d) Require a primary clinical diagnosis of active
2695 tuberculosis by a physician licensed under chapter 458 or
2696 chapter 459 before admitting the patient; provided that there
2697 may be more than one primary diagnosis;

2698 (e) Provide a method of notification to the county health
2699 department and to the patient's family, if any, before
2700 discharging the patient from the hospital or other facility;

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2701 (f) Provide for the necessary exchange of medical
2702 information to assure adequate community treatment to cure and
2703 followup of discharged patients, as appropriate; and

2704 (g) Provide for a method of medical care and counseling
2705 and for housing, social service, and employment referrals, if
2706 appropriate, for all patients discharged from the hospital.

2707 ~~(3)-(4)~~ A hospital may, pursuant to court order, place a
2708 patient in temporary isolation for a period of no more than 72
2709 continuous hours. The department shall obtain a court order in
2710 the same manner as prescribed in s. 392.57. Nothing in this
2711 subsection precludes a hospital from isolating an infectious
2712 patient for medical reasons.

2713 ~~(4)-(5)~~ Any person committed under s. 392.57 who leaves the
2714 tuberculosis hospital or residential facility without having
2715 been discharged by the designated medical authority, except as
2716 provided in s. 392.63, shall be apprehended by the sheriff of
2717 the county in which the person is found and immediately
2718 delivered to the facility from which he or she left.

2719 Section 79. Subsection (1) of section 395.1027, Florida
2720 Statutes, is amended to read:

2721 395.1027 Regional poison control centers.—

2722 (1) There shall be created three certified regional poison
2723 control centers, one each in the north, central, and southern
2724 regions of the state. Each regional poison control center shall
2725 be affiliated with and physically located in a certified Level I
2726 trauma center. Each regional poison control center shall be
2727 affiliated with an accredited medical school or college of
2728 pharmacy. The regional poison control centers shall be

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2729 coordinated under the aegis of the Division of Children's
2730 Medical Services ~~Prevention and Intervention~~ in the department.

2731 Section 80. The Department of Health shall develop and
2732 implement a transition plan for the closure of A.G. Holley State
2733 Hospital. The plan shall include specific steps to end voluntary
2734 admissions; transfer patients to alternate facilities;
2735 communicate with families, providers, other affected parties,
2736 and the general public; enter into any necessary contracts with
2737 providers; and coordinate with the Department of Management
2738 Services regarding the disposition of equipment and supplies and
2739 the closure of the facility; and Agency for Health Care
2740 Administration is directed to modify its reimbursement plans and
2741 seek federal approval, if necessary, to continue Medicaid
2742 funding throughout the treatment period in community hospitals
2743 and other facilities. The plan shall be submitted to the
2744 Governor, the Speaker of the House of Representatives, and the
2745 President of the Senate by May 31, 2012. The department shall
2746 fully implement the plan by January 1, 2013.

2747 Section 81. Subsection (4) of section 401.243, Florida
2748 Statutes, is amended to read:

2749 401.243 Injury prevention.—The department shall establish
2750 an injury-prevention program with responsibility for the
2751 statewide coordination and expansion of injury-prevention
2752 activities. The duties of the department under the program may
2753 include, but are not limited to, data collection, surveillance,
2754 education, and the promotion of interventions. In addition, the
2755 department may:

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2756 ~~(4) Adopt rules governing the implementation of grant~~
2757 ~~programs. The rules may include, but need not be limited to,~~
2758 ~~criteria regarding the application process, the selection of~~
2759 ~~grantees, the implementation of injury prevention activities,~~
2760 ~~data collection, surveillance, education, and the promotion of~~
2761 ~~interventions.~~

2762 Section 82. Subsection (6) of section 401.245, Florida
2763 Statutes, is renumbered as subsection (5), and present
2764 subsection (5) of that section is amended to read:

2765 401.245 Emergency Medical Services Advisory Council.—

2766 ~~(5) The department shall adopt rules to implement this~~
2767 ~~section, which rules shall serve as formal operating procedures~~
2768 ~~for the Emergency Medical Services Advisory Council.~~

2769 Section 83. Section 401.271, Florida Statutes, is amended
2770 to read:

2771 401.271 Certification of emergency medical technicians and
2772 paramedics who are on active duty with the Armed Forces of the
2773 United States; spouses of members of the Armed Forces.—

2774 ~~(1)~~ Any member of the Armed Forces of the United States on
2775 active duty who, at the time he or she became a member, was in
2776 good standing with the department and was entitled to practice
2777 as an emergency medical technician or paramedic in the state
2778 remains in good standing without registering, paying dues or
2779 fees, or performing any other act, as long as he or she is a
2780 member of the Armed Forces of the United States on active duty
2781 and for a period of 6 months after his or her discharge from
2782 active duty as a member of the Armed Forces of the United
2783 States.

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2784 ~~(2) The department may adopt rules exempting the spouse of~~
2785 ~~a member of the Armed Forces of the United States on active duty~~
2786 ~~from certification renewal provisions while the spouse is absent~~
2787 ~~from the state because of the member's active duty with the~~
2788 ~~Armed Forces.~~

2789 Section 84. Section 402.45, Florida Statutes is repealed.

2790 Section 85. Subsections (3) and (4) of section 403.863,
2791 Florida Statutes, are amended to read:

2792 403.863 State public water supply laboratory certification
2793 program.—

2794 (3) The Department of Health shall have the responsibility
2795 for the operation and implementation of the state laboratory
2796 certification program. The Department of Health shall contract
2797 for the evaluation and review of laboratory certification
2798 applications, and laboratory inspections. ~~except that,~~ Upon
2799 completion of the evaluation and review of the laboratory
2800 certification application, the evaluation shall be forwarded,
2801 along with recommendations, to the department for review and
2802 comment, prior to final approval or disapproval by the
2803 Department of Health.

2804 (4) The following acts constitute grounds for which the
2805 disciplinary actions specified in subsection (5) may be taken:

2806 (a) Making false statements on an application or on any
2807 document associated with certification.

2808 (b) Making consistent errors in analyses or erroneous
2809 reporting.

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- 2810 (c) Permitting personnel who are not qualified, as
2811 required by rules of the Department of Health, to perform
2812 analyses.
- 2813 (d) Falsifying the results of analyses.
- 2814 (e) Failing to employ approved laboratory methods in
2815 performing analyses as outlined in rules of the Department of
2816 Health.
- 2817 (f) Failing to properly maintain facilities and equipment
2818 according to the laboratory's quality assurance plan.
- 2819 (g) Failing to report analytical test results or maintain
2820 required records of test results as outlined in rules of the
2821 Department of Health.
- 2822 (h) Failing to participate successfully in a performance
2823 evaluation program approved by the Department of Health.
- 2824 (i) Violating any provision of this section or of the
2825 rules adopted under this section.
- 2826 (j) Falsely advertising services or credentials.
- 2827 (k) Failing to pay fees for initial certification or
2828 renewal certification or to pay inspection expenses incurred by
2829 ~~the Department of Health.~~
- 2830 (l) Failing to report any change of an item included in
2831 the initial or renewal certification application.
- 2832 (m) Refusing to allow representatives of the department or
2833 the Department of Health to inspect a laboratory and its records
2834 during normal business hours.
- 2835 Section 86. Subsection (1) of section 400.914, Florida
2836 Statutes, is amended to read:
- 2837 400.914 Rules establishing standards.—

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2838 (1) Pursuant to the intention of the Legislature to
2839 provide safe and sanitary facilities and healthful programs, the
2840 agency in conjunction with the Division of Children's Medical
2841 Services ~~Prevention and Intervention~~ of the Department of Health
2842 shall adopt and publish rules to implement the provisions of
2843 this part and part II of chapter 408, which shall include
2844 reasonable and fair standards. Any conflict between these
2845 standards and those that may be set forth in local, county, or
2846 city ordinances shall be resolved in favor of those having
2847 statewide effect. Such standards shall relate to:

2848 (a) The assurance that PPEC services are family centered
2849 and provide individualized medical, developmental, and family
2850 training services.

2851 (b) The maintenance of PPEC centers, not in conflict with
2852 the provisions of chapter 553 and based upon the size of the
2853 structure and number of children, relating to plumbing, heating,
2854 lighting, ventilation, and other building conditions, including
2855 adequate space, which will ensure the health, safety, comfort,
2856 and protection from fire of the children served.

2857 (c) The appropriate provisions of the most recent edition
2858 of the "Life Safety Code" (NFPA-101) shall be applied.

2859 (d) The number and qualifications of all personnel who
2860 have responsibility for the care of the children served.

2861 (e) All sanitary conditions within the PPEC center and its
2862 surroundings, including water supply, sewage disposal, food
2863 handling, and general hygiene, and maintenance thereof, which
2864 will ensure the health and comfort of children served.

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2865 (f) Programs and basic services promoting and maintaining
2866 the health and development of the children served and meeting
2867 the training needs of the children's legal guardians.

2868 (g) Supportive, contracted, other operational, and
2869 transportation services.

2870 (h) Maintenance of appropriate medical records, data, and
2871 information relative to the children and programs. Such records
2872 shall be maintained in the facility for inspection by the
2873 agency.

2874 Section 87. Paragraph (d) of subsection (11) of section
2875 409.256, Florida Statutes, is amended to read:

2876 409.256 Administrative proceeding to establish paternity
2877 or paternity and child support; order to appear for genetic
2878 testing.—

2879 (11) FINAL ORDER ESTABLISHING PATERNITY OR PATERNITY AND
2880 CHILD SUPPORT; CONSENT ORDER; NOTICE TO OFFICE OF VITAL
2881 STATISTICS.—

2882 (d) Upon rendering a final order of paternity or a final
2883 order of paternity and child support, the department shall
2884 notify the Office ~~Division~~ of Vital Statistics of the Department
2885 of Health that the paternity of the child has been established.

2886 Section 88. Section 458.346, Florida Statutes, is
2887 repealed.

2888 Section 89. Subsection (3) of section 462.19, Florida
2889 Statutes, is renumbered as subsection (2), and present
2890 subsection (2) of that section is amended to read:

2891 462.19 Renewal of license; inactive status.—

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2892 ~~(2) The department shall adopt rules establishing a~~
2893 ~~procedure for the biennial renewal of licenses.~~

2894 Section 90. Subsection (6) of section 464.019, Florida
2895 Statutes, is amended to read:

2896 464.019 Approval of nursing education programs.—

2897 (6) ACCOUNTABILITY.—

2898 (a)1. An approved program must achieve a graduate passage
2899 rate that is not lower than 10 percentage points less than the
2900 average passage rate for graduates of comparable degree programs
2901 who are United States educated first-time test takers on the
2902 National Council of State Boards of Nursing Licensing
2903 Examination during a calendar year, as calculated by the
2904 contract testing service of the National Council of State Boards
2905 of Nursing. For purposes of this subparagraph, an approved
2906 program is comparable to all degree programs of the same program
2907 type from among the following program types:

2908 a. Professional nursing education programs that terminate
2909 in a bachelor's degree.

2910 b. Professional nursing education programs that terminate
2911 in an associate degree.

2912 c. Professional nursing education programs that terminate
2913 in a diploma.

2914 d. Practical nursing education programs.

2915 2. Beginning with graduate passage rates for calendar year
2916 2010, if an approved program's graduate passage rates do not
2917 equal or exceed the required passage rates for 2 consecutive
2918 calendar years, the board shall place the program on
2919 probationary status pursuant to chapter 120 and the program

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2920 director must appear before the board to present a plan for
2921 remediation. The program shall remain on probationary status
2922 until it achieves a graduate passage rate that equals or exceeds
2923 the required passage rate for any 1 calendar year. The board
2924 shall deny a program application for a new prelicensure nursing
2925 education program submitted by an educational institution if the
2926 institution has an existing program that is already on
2927 probationary status.

2928 3. Upon the program's achievement of a graduate passage
2929 rate that equals or exceeds the required passage rate, the
2930 board, at its next regularly scheduled meeting following release
2931 of the program's graduate passage rate by the National Council
2932 of State Boards of Nursing, shall remove the program's
2933 probationary status. However, if the program, during the 2
2934 calendar years following its placement on probationary status,
2935 does not achieve the required passage rate for any 1 calendar
2936 year, the board shall terminate the program pursuant to chapter
2937 120.

2938 (b) If an approved program fails to submit the annual
2939 report required in subsection (4), the board shall notify the
2940 program director and president or chief executive officer of the
2941 educational institution in writing within 15 days after the due
2942 date of the annual report. The program director must appear
2943 before the board at the board's next regularly scheduled meeting
2944 to explain the reason for the delay. The board shall terminate
2945 the program pursuant to chapter 120 if it does not submit the
2946 annual report within 6 months after the due date.

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2947 (c) An approved program on probationary status shall
2948 disclose its probationary status in writing to the program's
2949 students and applicants.

2950 Section 91. Section 464.0197, Florida Statutes, is
2951 repealed.

2952 Section 92. Subsection (4) of section 464.208, Florida
2953 Statutes, is amended to read:

2954 464.208 Background screening information; rulemaking
2955 authority.—

2956 ~~(4) The board shall adopt rules to administer this part.~~

2957 Section 93. Section 383.141, Florida Statutes, is created
2958 to read:

2959 383.141 Prenatally diagnosed conditions; patient to be
2960 provided information; definitions; information clearinghouse;
2961 advisory council.—

2962 (1) As used in this section, the term:

2963 (a) "Down syndrome" means a chromosomal disorder caused by
2964 an error in cell division which results in the presence of an
2965 extra whole or partial copy of chromosome 21.

2966 (b) "Developmental disability" includes Down syndrome and
2967 other developmental disabilities defined by s. 393.063(9).

2968 (c) "Health care provider" means a physician licensed
2969 under chapter 458 or chapter 459.

2970 (d) "Prenatally diagnosed condition" means an adverse
2971 fetal health condition identified by prenatal testing.

2972 (e) "Prenatal test" or "prenatal testing" means a
2973 diagnostic procedure or screening procedure performed on a

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2974 pregnant woman or her unborn offspring to obtain information
2975 about her offspring's health or development.

2976 (2) When a developmental disability is diagnosed based on
2977 the results of a prenatal test, the health care provider who
2978 ordered the prenatal test, or his or her designee, shall provide
2979 the patient with current information about the nature of the
2980 developmental disability, the accuracy of the prenatal test, and
2981 resources for obtaining relevant support services, including
2982 hotlines, resource centers, and information clearinghouses
2983 related to Down syndrome or other prenatally diagnosed
2984 developmental disabilities; support programs for parents and
2985 families; and developmental evaluation and intervention services
2986 under s. 391.303.

2987 (3) The Department of Health shall establish on its
2988 Internet website, a clearinghouse of information related to
2989 developmental disabilities concerning providers of supportive
2990 services, information hotlines specific to Down syndrome and
2991 other prenatally diagnosed developmental disabilities, resource
2992 centers, educational programs, other support programs for
2993 parents and families, and developmental evaluation and
2994 intervention services under s. 391.303. Such information shall
2995 be made available to health care providers for use in counseling
2996 pregnant women whose unborn children have been prenatally
2997 diagnosed with developmental disabilities.

2998 (a) There is established an advisory council within the
2999 Department of Health which consists of health care providers and
3000 caregivers who perform health care services for persons who have

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3001 developmental disabilities, including Down syndrome and autism.

3002 This group shall consist of nine members:

3003 1. Three members appointed by the Governor;

3004 2. Three members appointed by the President of the Senate;

3005 and

3006 3. Three members appointed by the Speaker of the House of
3007 Representatives.

3008 (b) The advisory council shall provide technical
3009 assistance to the Department of Health in the establishment of
3010 the information clearinghouse and give the department the
3011 benefit of the council members' knowledge and experience
3012 relating to the needs of patients and families of patients with
3013 developmental disabilities and available support services.

3014 (c) Members of the council shall elect a chairperson and a
3015 vice chairperson. The elected chairperson and vice chairperson
3016 shall serve in these roles until their terms of appointment on
3017 the council expire.

3018 (d) The advisory council shall meet quarterly to review
3019 this clearinghouse of information, and may meet more often at
3020 the call of the chairperson or as determined by a majority of
3021 members.

3022 (e) The council members shall be appointed to 4-year
3023 terms, except that, to provide for staggered terms, one initial
3024 appointee each from the Governor, the President of the Senate,
3025 and the Speaker of the House of Representatives shall be
3026 appointed to a 2-year term, one appointee each from these
3027 officials shall be appointed to a 3-year term, and the remaining
3028 initial appointees shall be appointed to 4-year terms. All

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3029 subsequent appointments shall be for 4-year terms. A vacancy
3030 shall be filled for the remainder of the unexpired term in the
3031 same manner as the original appointment.

3032 (f) Members of the council shall serve without
3033 compensation. Meetings of the council may be held in person,
3034 without reimbursement for travel expenses, or by teleconference
3035 or other electronic means.

3036 (g) The Department of Health shall provide administrative
3037 support for the advisory council.

3038 Section 94. Section 466.00775, Florida Statutes, is
3039 repealed.

3040 Section 95. Subsection (4) of section 514.011, Florida
3041 Statutes, is amended to read:

3042 514.011 Definitions.—As used in this chapter:

3043 (4) "Public bathing place" means a body of water, natural
3044 or modified by humans, for swimming, diving, and recreational
3045 bathing, ~~together with adjacent shoreline or land area,~~
3046 ~~buildings, equipment, and appurtenances pertaining thereto,~~ used
3047 by consent of the owner or owners and held out to the public by
3048 any person or public body, irrespective of whether a fee is
3049 charged for the use thereof. The bathing water areas of public
3050 bathing places include, but are not limited to, lakes, ponds,
3051 rivers, streams, artificial impoundments, and waters along the
3052 coastal and intracoastal beaches and shores of the state.

3053 Section 96. Section 514.021, Florida Statutes, is amended
3054 to read:

3055 514.021 Department authorization.—

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3056 (1) The department may adopt and enforce rules, ~~which may~~
3057 ~~include definitions of terms,~~ to protect the health, safety, or
3058 welfare of persons by setting sanitation and safety standards
3059 for using public swimming pools and public bathing places. The
3060 department shall review and revise such rules as necessary, but
3061 not less than biennially. Sanitation and safety standards shall
3062 ~~include, but not be limited to,~~ matters relating to ~~structure,~~
3063 ~~appurtenances, operation,~~ source of water supply;
3064 ~~bacteriological~~ microbiological, chemical, and physical quality
3065 of water in the pool or bathing area; method of water
3066 purification, treatment, and disinfection; lifesaving apparatus;
3067 and measures to ensure safety of bathers, ~~and measures to ensure~~
3068 ~~the personal cleanliness of bathers.~~

3069 (2) The department may not establish by rule any
3070 regulation governing the design, alteration, modification, or
3071 repair of public swimming pools and bathing places which has no
3072 impact on sanitation and safety ~~the health, safety, and welfare~~
3073 of persons using public swimming pools and bathing places.
3074 Further, the department may not adopt by rule any regulation
3075 governing the construction, erection, or demolition of public
3076 swimming pools and bathing places. It is the intent of the
3077 Legislature to preempt those functions to the Florida Building
3078 Commission through adoption and maintenance of the Florida
3079 Building Code. The department shall provide technical assistance
3080 to the commission in updating the construction standards of the
3081 Florida Building Code which govern public swimming pools ~~and~~
3082 ~~bathing places. Further, the department is authorized to conduct~~
3083 ~~plan reviews, to issue approvals, and to enforce the special-~~

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3084 ~~occupancy provisions of the Florida Building Code which apply to~~
3085 ~~public swimming pools and bathing places in conducting any~~
3086 ~~inspections authorized by this chapter.~~ This subsection does not
3087 abrogate the authority of the department to adopt and enforce
3088 appropriate sanitary regulations and requirements as authorized
3089 in subsection (1).

3090 Section 97. Section 514.023, Florida Statutes, is amended
3091 to read:

3092 514.023 Sampling of beach waters and public bathing
3093 places; health advisories.—

3094 (1) As used in this section, the term "beach waters" means
3095 the waters along the coastal and intracoastal beaches and shores
3096 of the state, and includes salt water and brackish water.

3097 (2) The department may adopt and enforce rules to protect
3098 the health, safety, and welfare of persons using the beach
3099 waters and public bathing places of the state. The rules must
3100 establish health standards and prescribe procedures and
3101 timeframes for bacteriological sampling of beach waters and
3102 public bathing places.

3103 (3) The department may issue health advisories if the
3104 quality of beach waters or a public bathing place fails to meet
3105 standards established by the department. The issuance of health
3106 advisories related to the results of bacteriological sampling of
3107 beach waters is preempted to the state.

3108 (4) When the department issues a health advisory against
3109 swimming in beach waters or a public bathing place on the basis
3110 of finding elevated levels of fecal coliform, Escherichia coli,
3111 or enterococci bacteria in a water sample, the department shall

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3112 concurrently notify the municipality or county in which the
3113 affected beach waters are located, whichever has jurisdiction,
3114 and the local office of the Department of Environmental
3115 Protection, of the advisory. The local office of the Department
3116 of Environmental Protection shall promptly investigate
3117 wastewater treatment facilities within 1 mile of the affected
3118 beach waters or public bathing place to determine if a facility
3119 experienced an incident that may have contributed to the
3120 contamination and provide the results of the investigation in
3121 writing or by electronic means to the municipality or county, as
3122 applicable.

3123 ~~(5) Contingent upon legislative appropriation to the~~
3124 ~~department in the amount of \$600,000 nonrecurring, the~~
3125 ~~department will perform a 3 year study to determine the water~~
3126 ~~quality at beaches throughout the state. The study will be~~
3127 ~~performed in all counties that have public access saltwater and~~
3128 ~~brackish water beaches.~~

3129 Section 98. Section 514.025, Florida Statutes, is amended
3130 to read:

3131 514.025 Assignment of authority to county health
3132 departments.—

3133 (1) The department shall assign to County health
3134 departments that are staffed with qualified engineering
3135 personnel shall perform the functions of reviewing applications
3136 and plans for the construction, development, or modification of
3137 public swimming pools or bathing places; of conducting
3138 inspections ~~for and issuance of initial operating permits~~; and
3139 of issuing all permits. If the county health department

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3140 ~~determines that qualified staff are not available is not~~
3141 ~~assigned the functions of application and plan review and the~~
3142 ~~issuance of initial operating permits, the department shall be~~
3143 ~~responsible for such functions. The department shall make the~~
3144 ~~determination concerning the qualifications of county health~~
3145 ~~department personnel to perform these functions and may make and~~
3146 ~~enforce such rules pertaining thereto as it shall deem proper.~~

3147 (2) ~~After the initial operating permit is issued, the~~
3148 ~~County health departments are responsible shall assume full~~
3149 ~~responsibility for routine surveillance of water quality in all~~
3150 ~~public swimming pools and bathing places, including~~
3151 ~~responsibility for a minimum of two routine inspections~~
3152 ~~annually, complaint investigations, enforcement procedures, and~~
3153 ~~reissuance of operating permits, and renewal of operating~~
3154 ~~permits.~~

3155 (3) The department may assign the responsibilities and
3156 functions specified in this section to any multicounty
3157 independent special district created by the Legislature to
3158 perform multiple functions, to include municipal services and
3159 improvements, to the same extent and under the same conditions
3160 as provided in subsections (1) and (2), upon request of the
3161 special district.

3162 Section 99. Section 514.03, Florida Statutes, is amended
3163 to read:

3164 514.03 ~~Construction plans~~ Approval necessary to construct,
3165 develop, or modify public swimming pools or public bathing
3166 places. ~~It is unlawful for any person or public body to~~
3167 ~~construct, develop, or modify any public swimming pool or~~

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3168 ~~bathing place, other than coastal or intracoastal beaches,~~
3169 ~~without a valid construction plans approval from the department.~~
3170 ~~This section does not preempt the authority of local Local~~
3171 ~~governments or local enforcement districts may determine to~~
3172 ~~conduct plan reviews and inspections of public swimming pools~~
3173 ~~and bathing places for compliance with the general construction~~
3174 ~~standards of the Florida Building Code, pursuant to s. 553.80.~~
3175 Local governments or local enforcement districts may conduct
3176 plan reviews and inspections of public swimming pools and public
3177 bathing places for this purpose.

3178 ~~(1) Any person or public body desiring to construct,~~
3179 ~~develop, or modify any public swimming pool or bathing place~~
3180 ~~shall file an application for a construction plans approval with~~
3181 ~~the department on application forms provided by the department~~
3182 ~~and shall accompany such application with:~~

3183 ~~(a) Engineering drawings, specifications, descriptions,~~
3184 ~~and detailed maps of the structure, its appurtenances, and its~~
3185 ~~intended operation.~~

3186 ~~(b) A description of the source or sources of water supply~~
3187 ~~and amount and quality of water available and intended to be~~
3188 ~~used.~~

3189 ~~(c) A description of the method and manner of water~~
3190 ~~purification, treatment, disinfection, and heating.~~

3191 ~~(d) Other applicable information deemed necessary by the~~
3192 ~~department to fulfill the requirements of this chapter.~~

3193 ~~(2) If the proposed construction of, development of, or~~
3194 ~~modification of a public swimming pool or bathing place meets~~
3195 ~~standards of public health and safety as defined in this chapter~~

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3196 ~~and rules adopted hereunder, the department shall grant the~~
3197 ~~application for the construction plans approval within 30 days~~
3198 ~~after receipt of a complete submittal. If engineering plans~~
3199 ~~submitted are in substantial compliance with the standards~~
3200 ~~aforementioned, the department may approve the plans with~~
3201 ~~provisions for corrective action to be completed prior to~~
3202 ~~issuance of the operating permit.~~

3203 ~~(3) If the proposed construction, development, or~~
3204 ~~modification of a public swimming pool or bathing place fails to~~
3205 ~~meet standards of public health and safety as defined in this~~
3206 ~~chapter and rules adopted hereunder, the department shall deny~~
3207 ~~the application for construction plans approval pursuant to the~~
3208 ~~provisions of chapter 120. Such denial shall be issued in~~
3209 ~~writing within 30 days and shall list the circumstances for~~
3210 ~~denial. Upon correction of such circumstances, an applicant~~
3211 ~~previously denied permission to construct, develop, or modify a~~
3212 ~~public swimming pool or bathing place may reapply for~~
3213 ~~construction plans approval.~~

3214 ~~(4) An approval of construction plans issued by the~~
3215 ~~department under this section becomes void 1 year after the date~~
3216 ~~the approval was issued if the construction is not commenced~~
3217 ~~within 1 year after the date of issuance.~~

3218 Section 100. Section 514.031, Florida Statutes, is amended
3219 to read:

3220 514.031 Permit necessary to operate public swimming pool
3221 or bathing place.—

3222 (1) It is unlawful for any person or public body to
3223 operate or continue to operate any public swimming pool or

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3224 ~~bathing place~~ without a valid permit from the department, such
3225 permit to be obtained in the following manner:

3226 (a) Any person or public body desiring to operate any
3227 public swimming pool ~~or bathing place~~ shall file an application
3228 for a permit with the department, on application forms provided
3229 by the department, and shall accompany such application with:

3230 ~~1. Descriptions of the structure, its appurtenances, and~~
3231 ~~its operation.~~

3232 ~~1.2.~~ Description of the source or sources of water supply,
3233 and the amount and quality of water available and intended to be
3234 used.

3235 ~~2.3.~~ Method and manner of water purification, treatment,
3236 disinfection, and heating.

3237 ~~3.4.~~ Safety equipment and standards to be used.

3238 ~~5. Measures to ensure personal cleanliness of bathers.~~

3239 ~~4.6.~~ Any other pertinent information deemed necessary by
3240 the department ~~to fulfill the requirements of this chapter.~~

3241 (b) If the department determines that the public swimming
3242 pool ~~or bathing place~~ is or may reasonably be expected to be
3243 operated in compliance with this chapter and the rules adopted
3244 hereunder, the department shall grant the application for
3245 permit.

3246 (c) If the department determines that the public swimming
3247 pool ~~or bathing place~~ does not meet the provisions outlined in
3248 this chapter or the rules adopted hereunder, the department
3249 shall deny the application for a permit pursuant to the
3250 provisions of chapter 120. Such denial shall be in writing and
3251 shall list the circumstances for the denial. Upon correction of

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3252 such circumstances, an applicant previously denied permission to
3253 operate a public swimming pool or bathing place may reapply for
3254 a permit.

3255 (2) Operating permits shall not be required for coastal or
3256 intracoastal beaches.

3257 (3) Operating permits may be transferred ~~shall not be~~
3258 ~~transferable~~ from one name or owner to another. When the
3259 ownership or name of an existing public swimming pool ~~or bathing~~
3260 ~~place~~ is changed and such establishment is operating at the time
3261 of the change with a valid permit from the department, the new
3262 owner of the establishment shall apply to the department, upon
3263 forms provided by the department, within 30 days after such a
3264 change, ~~for a reissuance of the existing permit.~~

3265 (4) Each such operating permit shall be renewed annually
3266 and the permit must be posted in a conspicuous place.

3267 (5) An owner or operator of a public swimming pool,
3268 including, but not limited to, a spa, wading, or special purpose
3269 pool, to which admittance is obtained by membership for a fee
3270 shall post in a prominent location within the facility the most
3271 recent pool inspection report issued by the department
3272 pertaining to the health and safety conditions of such facility.
3273 The report shall be legible and readily accessible to members or
3274 potential members. The department shall adopt rules to enforce
3275 this subsection. A portable pool may not be used as a public
3276 pool.

3277 Section 101. Section 514.033, Florida Statutes, is amended
3278 to read:

3279 514.033 Creation of fee schedules authorized.—

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3280 (1) The department is authorized to establish a schedule
3281 of fees to be charged by the department or by any authorized
3282 county health department as detailed in s. 514.025 ~~for the~~
3283 ~~review of applications and plans to construct, develop, or~~
3284 ~~modify a public swimming pool or bathing place, for the issuance~~
3285 ~~of permits to operate such establishments, and for the review of~~
3286 ~~variance applications for public swimming pools and bathing~~
3287 ~~places.~~ Fees assessed under this chapter shall be in an amount
3288 sufficient to meet the cost of carrying out the provisions of
3289 this chapter.

3290 (2) The fee schedule shall be: for original construction
3291 or development plan approval, not less than \$275 and not more
3292 than \$500; for modification of original construction, not less
3293 than \$100 and not more than \$150; for an initial operating
3294 permit, not less than \$125 and not more than \$250; and for
3295 review of variance applications, not less than \$240 and not more
3296 than \$400. The department shall assess the minimum fees provided
3297 in this subsection until a fee schedule is promulgated by rule
3298 of the department.

3299 (3) Fees shall be ~~Any person or public body operating a~~
3300 ~~public swimming pool or bathing place shall pay to the~~
3301 ~~department an annual operating permit fee based on pool or~~
3302 ~~bathing place aggregate gallonage, which shall be: up to and~~
3303 including 25,000 gallons, not less than \$75 and not more than
3304 \$125; and in excess of 25,000 gallons, not less than \$160 and
3305 not more than \$265, except for a pool inspected pursuant to s.
3306 514.0115(2)(b) for which the annual fee shall be \$50.

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3307 (4) Fees collected by the department in accordance with
3308 this chapter shall be deposited into the ~~Public Swimming Pool~~
3309 ~~and Bathing Place Trust Fund for the payment of costs incurred~~
3310 ~~in the administration of this chapter. Fees collected by county~~
3311 ~~health departments performing functions pursuant to s. 514.025~~
3312 ~~shall be deposited into the County Health Department Trust Fund.~~
3313 Any fee collected under this chapter is nonrefundable.

3314 (5) The department may not charge any fees for services
3315 provided under this chapter other than those fees authorized in
3316 this section. However, the department shall prorate the initial
3317 annual fee for an operating permit on a half-year basis.

3318 Section 102. Subsections (4) and (5) of section 514.05,
3319 Florida Statutes, are amended to read:

3320 514.05 Denial, suspension, or revocation of permit;
3321 administrative fines.-

3322 (4) All amounts collected pursuant to this section shall
3323 be deposited into the ~~Public Swimming Pool and Bathing Place~~
3324 ~~Trust Fund Grants and Donations Trust Fund~~ or into the County
3325 Health Department Trust Fund, whichever is applicable.

3326 (5) Under conditions specified by rule, the department may
3327 close a public pool that is not in compliance with this chapter
3328 or the rules adopted under this chapter.

3329 Section 103. Section 514.06, Florida Statutes, is amended
3330 to read:

3331 514.06 Injunction to restrain violations.-Any public
3332 swimming pool or public bathing place presenting a significant
3333 risk to public health by failing to meet the water quality and
3334 safety standards established pursuant to constructed, developed,

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3335 ~~operated, or maintained contrary to the provisions of this~~
3336 chapter is declared to be a public nuisance, dangerous to health
3337 or safety. Such nuisances may be abated or enjoined in an action
3338 brought by the county health department or the department.

3339 Section 104. Subsections (1) and (2) of section 633.115,
3340 Florida Statutes, are amended to read:

3341 633.115 Fire and Emergency Incident Information Reporting
3342 Program; duties; fire reports.—

3343 (1) (a) The Fire and Emergency Incident Information
3344 Reporting Program is created within the Division of State Fire
3345 Marshal. The program shall:

3346 1. Establish and maintain an electronic communication
3347 system capable of transmitting fire and emergency incident
3348 information to and between fire protection agencies.

3349 2. Initiate a Fire and Emergency Incident Information
3350 Reporting System that shall be responsible for:

3351 a. Receiving fire and emergency incident information from
3352 fire protection agencies.

3353 b. Preparing and disseminating annual reports to the
3354 Governor, the President of the Senate, the Speaker of the House
3355 of Representatives, fire protection agencies, and, upon request,
3356 the public. Each report shall include, but not be limited to,
3357 the information listed in the National Fire Incident Reporting
3358 System.

3359 c. Upon request, providing other states and federal
3360 agencies with fire and emergency incident data of this state.

3361 3. Adopt rules to effectively and efficiently implement,
3362 administer, manage, maintain, and use the Fire and Emergency

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3363 Incident Information Reporting Program. The rules shall be
3364 considered minimum requirements and shall not preclude a fire
3365 protection agency from implementing its own requirements which
3366 shall not conflict with the rules of the Division of State Fire
3367 Marshal.

3368 4. By rule, establish procedures and a format for each
3369 fire protection agency to voluntarily monitor its records and
3370 submit reports to the program.

3371 5. Establish an electronic information database which is
3372 accessible and searchable by fire protection agencies.

3373 (b) The Division of State Fire Marshal shall consult with
3374 the Division of Forestry of the Department of Agriculture and
3375 Consumer Services and the ~~Bureau~~ Division of Emergency
3376 Preparedness and Community Support ~~Medical Services~~ of the
3377 Department of Health to coordinate data, ensure accuracy of the
3378 data, and limit duplication of efforts in data collection,
3379 analysis, and reporting.

3380 (2) The Fire and Emergency Incident Information System
3381 Technical Advisory Panel is created within the Division of State
3382 Fire Marshal. The panel shall advise, review, and recommend to
3383 the State Fire Marshal with respect to the requirements of this
3384 section. The membership of the panel shall consist of the
3385 following 15 members:

3386 (a) The current 13 members of the Firefighters Employment,
3387 Standards, and Training Council as established in s. 633.31.

3388 (b) One member from the Division of Forestry of the
3389 Department of Agriculture and Consumer Services, appointed by
3390 the division director.

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3391 (c) One member from the ~~Bureau~~ Division of Emergency
3392 Preparedness and Community Support ~~Medical Services~~ of the
3393 Department of Health, appointed by the bureau chief.

3394 Section 105. Subsections (4), (5), (6), (8), (9), (10),
3395 (11), and (12) of section 1009.66, Florida Statutes, are amended
3396 to read:

3397 1009.66 Nursing Student Loan Forgiveness Program.—

3398 (4) From the funds available, the Department of Education
3399 ~~Health~~ may make loan principal repayments of up to \$4,000 a year
3400 for up to 4 years on behalf of selected graduates of an
3401 accredited or approved nursing program. All repayments shall be
3402 contingent upon continued proof of employment in the designated
3403 facilities in this state and shall be made directly to the
3404 holder of the loan. The state shall bear no responsibility for
3405 the collection of any interest charges or other remaining
3406 balance. In the event that the designated facilities are
3407 changed, a nurse shall continue to be eligible for loan
3408 forgiveness as long as he or she continues to work in the
3409 facility for which the original loan repayment was made and
3410 otherwise meets all conditions of eligibility.

3411 (5) There is created the Nursing Student Loan Forgiveness
3412 Trust Fund to be administered by the Department of Education
3413 ~~Health~~ pursuant to this section and s. 1009.67 and department
3414 rules. The Chief Financial Officer shall authorize expenditures
3415 from the trust fund upon receipt of vouchers approved by the
3416 Department of Education ~~Health~~. All moneys collected from the
3417 private health care industry and other private sources for the
3418 purposes of this section shall be deposited into the Nursing

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3419 Student Loan Forgiveness Trust Fund. Any balance in the trust
3420 fund at the end of any fiscal year shall remain therein and
3421 shall be available for carrying out the purposes of this section
3422 and s. 1009.67.

3423 (6) In addition to licensing fees imposed under part I of
3424 chapter 464, there is hereby levied and imposed an additional
3425 fee of \$5, which fee shall be paid upon licensure or renewal of
3426 nursing licensure. Revenues collected from the fee imposed in
3427 this subsection shall be deposited in the Nursing Student Loan
3428 Forgiveness Trust Fund of the Department of Education Health and
3429 will be used solely for the purpose of carrying out the
3430 provisions of this section and s. 1009.67. Up to 50 percent of
3431 the revenues appropriated to implement this subsection may be
3432 used for the nursing scholarship program established pursuant to
3433 s. 1009.67.

3434 ~~(8) The Department of Health may solicit technical~~
3435 ~~assistance relating to the conduct of this program from the~~
3436 ~~Department of Education.~~

3437 ~~(9)-(9)~~ The Department of Education Health is authorized to
3438 recover from the Nursing Student Loan Forgiveness Trust Fund its
3439 costs for administering the Nursing Student Loan Forgiveness
3440 Program.

3441 ~~(9)-(10)~~ The Department of Education Health may adopt rules
3442 necessary to administer this program.

3443 ~~(10)-(11)~~ This section shall be implemented only as
3444 specifically funded.

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3445 ~~(11)~~(12) Students receiving a nursing scholarship pursuant
3446 to s. 1009.67 are not eligible to participate in the Nursing
3447 Student Loan Forgiveness Program.

3448 Section 106. Section 1009.67, Florida Statutes, is amended
3449 to read:

3450 1009.67 Nursing scholarship program.—

3451 (1) There is established within the Department of
3452 Education Health a scholarship program for the purpose of
3453 attracting capable and promising students to the nursing
3454 profession.

3455 (2) A scholarship applicant shall be enrolled in an
3456 approved nursing program leading to the award of an associate
3457 degree, a baccalaureate degree, or a graduate degree in nursing.

3458 (3) A scholarship may be awarded for no more than 2 years,
3459 in an amount not to exceed \$8,000 per year. However, registered
3460 nurses pursuing a graduate degree for a faculty position or to
3461 practice as an advanced registered nurse practitioner may
3462 receive up to \$12,000 per year. These amounts shall be adjusted
3463 by the amount of increase or decrease in the consumer price
3464 index for urban consumers published by the United States
3465 Department of Commerce.

3466 (4) Credit for repayment of a scholarship shall be as
3467 follows:

3468 (a) For each full year of scholarship assistance, the
3469 recipient agrees to work for 12 months in a faculty position in
3470 a college of nursing or Florida College System institution
3471 nursing program in this state or at a health care facility in a
3472 medically underserved area as designated ~~approved~~ by the

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3473 Department of Health. Scholarship recipients who attend school
3474 on a part-time basis shall have their employment service
3475 obligation prorated in proportion to the amount of scholarship
3476 payments received.

3477 (b) Eligible health care facilities include nursing homes
3478 and hospitals in this state, state-operated medical or health
3479 care facilities, public schools, county health departments,
3480 federally sponsored community health centers, colleges of
3481 nursing in universities in this state, and Florida College
3482 System institution nursing programs in this state, family
3483 practice teaching hospitals as defined in s. 395.805, or
3484 specialty children's hospitals as described in s. 409.9119. The
3485 recipient shall be encouraged to complete the service obligation
3486 at a single employment site. If continuous employment at the
3487 same site is not feasible, the recipient may apply to the
3488 department for a transfer to another approved health care
3489 facility.

3490 (c) Any recipient who does not complete an appropriate
3491 program of studies, who does not become licensed, who does not
3492 accept employment as a nurse at an approved health care
3493 facility, or who does not complete 12 months of approved
3494 employment for each year of scholarship assistance received
3495 shall repay to the Department of Education Health, on a schedule
3496 to be determined by the department, the entire amount of the
3497 scholarship plus 18 percent interest accruing from the date of
3498 the scholarship payment. Moneys repaid shall be deposited into
3499 the Nursing Student Loan Forgiveness Trust Fund established in
3500 s. 1009.66. However, the department may provide additional time

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3501 for repayment if the department finds that circumstances beyond
3502 the control of the recipient caused or contributed to the
3503 default.

3504 (5) Scholarship payments shall be transmitted to the
3505 recipient upon receipt of documentation that the recipient is
3506 enrolled in an approved nursing program. The Department of
3507 Education Health shall develop a formula to prorate payments to
3508 scholarship recipients so as not to exceed the maximum amount
3509 per academic year.

3510 (6) The Department of Education Health shall adopt rules,
3511 including rules to address extraordinary circumstances that may
3512 cause a recipient to default on either the school enrollment or
3513 employment contractual agreement, to implement this section.

3514 (7) The Department of Education Health may recover from
3515 the Nursing Student Loan Forgiveness Trust Fund its costs for
3516 administering the nursing scholarship program.

3517 Section 107. Department of Health; type two transfer.-

3518 (1) All powers, duties, functions, records, offices,
3519 personnel, associated administrative support positions,
3520 property, pending issues, existing contracts, administrative
3521 authority, administrative rules, and unexpended balances of
3522 appropriations, allocations, and other funds relating to the
3523 Nursing Student Loan Forgiveness Program and the nursing
3524 scholarship program in the Department of Health are transferred
3525 by a type two transfer, as defined in s. 20.06(2), Florida
3526 Statutes, to the Department of Education.

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3527 (2) The Nursing Student Loan Forgiveness Trust Fund is
3528 transferred from the Department of Health to the Department of
3529 Education.

3530 (3) Any binding contract or interagency agreement related
3531 to the Nursing Student Loan Forgiveness Program existing before
3532 July 1, 2012, between the Department of Health, or an entity or
3533 agent of the agency, and any other agency, entity, or person
3534 shall continue as a binding contract or agreement for the
3535 remainder of the term of such contract or agreement on the
3536 successor department, agency, or entity responsible for the
3537 program, activity, or functions relative to the contract or
3538 agreement.

3539 (4) Notwithstanding s. 216.292 and pursuant to s. 216.351,
3540 Florida Statutes, upon approval by the Legislative Budget
3541 Commission, the Executive Office of the Governor may transfer
3542 funds and positions between agencies to implement this act.

3543 (5) The transfer of any program, activity, duty, or
3544 function under this act includes the transfer of any records and
3545 unexpended balances of appropriations, allocations, or other
3546 funds related to such program, activity, duty, or function.
3547 Unless otherwise provided, the successor organization to any
3548 program, activity, duty, or function transferred under this act
3549 shall become the custodian of any property of the organization
3550 that was responsible for the program, activity, duty, or
3551 function immediately before the transfer.

3552 Section 108. The Division of Medical Quality Assurance
3553 shall develop a plan to improve the efficiency of its functions.
3554 Specifically, the plan shall delineate methods to: reduce the

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3555 average length of time for a qualified applicant to receive
3556 initial and renewal licensure, certification, or registration,
3557 by one-third; improve the agenda process for board meetings to
3558 increase transparency, timeliness, and usefulness for board
3559 decisionmaking; and improve the cost-effectiveness and
3560 efficiency of the joint functions of the division and the
3561 regulatory boards. In developing the plan, the division shall
3562 identify and analyze best practices found within the division
3563 and other state agencies with similar functions, options for
3564 information technology improvements, options for contracting
3565 with outside entities, and any other option the division deems
3566 useful. The division shall consult with and solicit
3567 recommendations from the regulatory boards in developing the
3568 plan. The division shall submit the plan to the Governor, the
3569 Speaker of the House of Representatives, and the President of
3570 the Senate by November 1, 2012. All executive branch agencies
3571 are instructed, and all other state agencies are requested, to
3572 assist the division in accomplishing its purposes under this
3573 section.

3574 Section 109. Paragraph (e) of subsection (2) of section
3575 154.503, Florida Statutes, is amended to read:

3576 154.503 Primary Care for Children and Families Challenge
3577 Grant Program; creation; administration.-

3578 (2) The department shall:

3579 (e) Coordinate with the primary care program developed
3580 pursuant to s. 154.011, the Florida Healthy Kids Corporation
3581 program created in s. 624.91, the school health services program
3582 created in ss. 381.0056 and 381.0057, ~~the Healthy Communities,~~

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3583 ~~Healthy People Program created in s. 381.734,~~ and the volunteer
3584 health care provider program developed pursuant to s. 766.1115.

3585 Section 110. Subsection (1), paragraph (c) of subsection
3586 (3), and subsection (9) of section 381.0041, Florida Statutes,
3587 are amended to read:

3588 381.0041 Donation and transfer of human tissue; testing
3589 requirements.—

3590 (1) Every donation of blood, plasma, organs, skin, or
3591 other human tissue for transfusion or transplantation to another
3592 shall be tested prior to transfusion or other use for human
3593 immunodeficiency virus infection and other communicable diseases
3594 specified by rule of the Department of Health. Tests for the
3595 human immunodeficiency virus infection shall be performed only
3596 after obtaining written, informed consent from the potential
3597 donor or the donor's legal representative. Such consent may be
3598 given by a minor pursuant to s. 743.06. Obtaining consent shall
3599 include a fair explanation of the procedures to be followed and
3600 the meaning and use of the test results. Such explanation shall
3601 include a description of the confidential nature of the test as
3602 described in s. 381.004(2) ~~381.004(3)~~. If consent for testing is
3603 not given, then the person shall not be accepted as a donor
3604 except as otherwise provided in subsection (3).

3605 (3) No person shall collect any blood, organ, skin, or
3606 other human tissue from one human being and hold it for, or
3607 actually perform, any implantation, transplantation,
3608 transfusion, grafting, or any other method of transfer to
3609 another human being without first testing such tissue for the
3610 human immunodeficiency virus and other communicable diseases

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3611 specified by rule of the Department of Health, or without
3612 performing another process approved by rule of the Department of
3613 Health capable of killing the causative agent of those diseases
3614 specified by rule. Such testing shall not be required:

3615 (c) When there is insufficient time to obtain the results
3616 of a confirmatory test for any tissue or organ which is to be
3617 transplanted, notwithstanding the provisions of s. 381.004(2)(d)
3618 ~~381.004(3)(d)~~. In such circumstances, the results of preliminary
3619 screening tests may be released to the potential recipient's
3620 treating physician for use in determining organ or tissue
3621 suitability.

3622 (9) All blood banks shall be governed by the
3623 confidentiality provisions of s. 381.004(2) ~~381.004(3)~~.

3624 Section 111. Paragraph (b) of subsection (3) of section
3625 384.25, Florida Statutes, is amended to read:

3626 384.25 Reporting required.—

3627 (3) To ensure the confidentiality of persons infected with
3628 the human immunodeficiency virus (HIV), reporting of HIV
3629 infection and AIDS must be conducted using a system developed by
3630 the Centers for Disease Control and Prevention of the United
3631 States Public Health Service or an equivalent system.

3632 (b) The reporting may not affect or relate to anonymous
3633 HIV testing programs conducted pursuant to s. 381.004(3)
3634 ~~381.004(4)~~.

3635 Section 112. Subsection (5) of section 392.56, Florida
3636 Statutes, is amended to read:

3637 392.56 Hospitalization, placement, and residential
3638 isolation.—

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3639 (5) If the department petitions the circuit court to order
3640 that a person who has active tuberculosis be hospitalized in a
3641 facility operated under s. 392.62(2), the department shall
3642 notify the facility of the potential court order.

3643 Section 113. Subsection (2) of section 456.032, Florida
3644 Statutes, is amended to read:

3645 456.032 Hepatitis B or HIV carriers.—

3646 (2) Any person licensed by the department and any other
3647 person employed by a health care facility who contracts a blood-
3648 borne infection shall have a rebuttable presumption that the
3649 illness was contracted in the course and scope of his or her
3650 employment, provided that the person, as soon as practicable,
3651 reports to the person's supervisor or the facility's risk
3652 manager any significant exposure, as that term is defined in s.
3653 381.004(1)(c) ~~381.004(2)(e)~~, to blood or body fluids. The
3654 employer may test the blood or body fluid to determine if it is
3655 infected with the same disease contracted by the employee. The
3656 employer may rebut the presumption by the preponderance of the
3657 evidence. Except as expressly provided in this subsection, there
3658 shall be no presumption that a blood-borne infection is a job-
3659 related injury or illness.

3660 Section 114. Subsection (15) of section 499.003, Florida
3661 Statutes, is amended to read:

3662 499.003 Definitions of terms used in this part.—As used in
3663 this part, the term:

3664 (15) "Department" means the ~~Department of Health~~
3665 Department of Business and Professional Regulation.

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3666 Section 115. Subsection (2) of section 499.601, Florida
3667 Statutes, is amended to read:

3668 499.601 Legislative intent; construction.—

3669 (2) The provisions of this part are cumulative and shall
3670 not be construed as repealing or affecting any powers, duties,
3671 or authority of the ~~Department of Health~~ department under any
3672 other law of this state; except that, with respect to the
3673 regulation of ether as herein provided, in instances in which
3674 the provisions of this part may conflict with any other such
3675 law, the provisions of this part shall control.

3676 Section 116. Subsection (2) of section 499.61, Florida
3677 Statutes, is amended to read:

3678 499.61 Definitions.—As used in this part:

3679 (2) "Department" means the ~~Department of Health~~ Department
3680 of Business and Professional Regulation.

3681 Section 117. Paragraph (b) of subsection (9) of section
3682 768.28, Florida Statutes, is amended to read:

3683 768.28 Waiver of sovereign immunity in tort actions;
3684 recovery limits; limitation on attorney fees; statute of
3685 limitations; exclusions; indemnification; risk management
3686 programs.—

3687 (9)

3688 (b) As used in this subsection, the term:

3689 1. "Employee" includes any volunteer firefighter.

3690 2. "Officer, employee, or agent" includes, but is not
3691 limited to, any health care provider when providing services
3692 pursuant to s. 766.1115; ~~any member of the Florida Health~~
3693 ~~Services Corps, as defined in s. 381.0302, who provides~~

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3694 ~~uncompensated care to medically indigent persons referred by the~~
3695 ~~Department of Health;~~ any nonprofit independent college or
3696 university located and chartered in this state which owns or
3697 operates an accredited medical school, and its employees or
3698 agents, when providing patient services pursuant to paragraph
3699 (10)(f); and any public defender or her or his employee or
3700 agent, including, among others, an assistant public defender and
3701 an investigator.

3702 Section 118. Subsection (1) of section 775.0877, Florida
3703 Statutes, is amended to read:

3704 775.0877 Criminal transmission of HIV; procedures;
3705 penalties.-

3706 (1) In any case in which a person has been convicted of or
3707 has pled nolo contendere or guilty to, regardless of whether
3708 adjudication is withheld, any of the following offenses, or the
3709 attempt thereof, which offense or attempted offense involves the
3710 transmission of body fluids from one person to another:

3711 (a) Section 794.011, relating to sexual battery;

3712 (b) Section 826.04, relating to incest;

3713 (c) Section 800.04, relating to lewd or lascivious
3714 offenses committed upon or in the presence of persons less than
3715 16 years of age;

3716 (d) Sections 784.011, 784.07(2)(a), and 784.08(2)(d),
3717 relating to assault;

3718 (e) Sections 784.021, 784.07(2)(c), and 784.08(2)(b),
3719 relating to aggravated assault;

3720 (f) Sections 784.03, 784.07(2)(b), and 784.08(2)(c),
3721 relating to battery;

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3722 (g) Sections 784.045, 784.07(2)(d), and 784.08(2)(a),
3723 relating to aggravated battery;
3724 (h) Section 827.03(1), relating to child abuse;
3725 (i) Section 827.03(2), relating to aggravated child abuse;
3726 (j) Section 825.102(1), relating to abuse of an elderly
3727 person or disabled adult;
3728 (k) Section 825.102(2), relating to aggravated abuse of an
3729 elderly person or disabled adult;
3730 (l) Section 827.071, relating to sexual performance by
3731 person less than 18 years of age;
3732 (m) Sections 796.03, 796.07, and 796.08, relating to
3733 prostitution; or
3734 (n) Section 381.0041(11)(b), relating to donation of
3735 blood, plasma, organs, skin, or other human tissue,
3736
3737 the court shall order the offender to undergo HIV testing, to be
3738 performed under the direction of the Department of Health in
3739 accordance with s. 381.004, unless the offender has undergone
3740 HIV testing voluntarily or pursuant to procedures established in
3741 s. 381.004(2)(h)6. ~~381.004(3)(h)6.~~ or s. 951.27, or any other
3742 applicable law or rule providing for HIV testing of criminal
3743 offenders or inmates, subsequent to her or his arrest for an
3744 offense enumerated in paragraphs (a)-(n) for which she or he was
3745 convicted or to which she or he pled nolo contendere or guilty.
3746 The results of an HIV test performed on an offender pursuant to
3747 this subsection are not admissible in any criminal proceeding
3748 arising out of the alleged offense.

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3749 Section 119. Except as otherwise expressly provided in
3750 this act, this act shall take effect upon becoming a law.

3751

3752

3753

3754

T I T L E A M E N D M E N T

3755

Remove the entire title and insert:

3757

A bill to be entitled

3758

An act relating to the Department of Health; amending

3759

s. 20.43, F.S.; revising the purpose of the

3760

department; revising duties of the State Surgeon

3761

General; eliminating the Officer of Women's Health

3762

Strategy; revising divisions within the department;

3763

amending s. 20.435, F.S.; eliminating the Florida

3764

Drug, Device, and Cosmetic Trust Fund and the Nursing

3765

Student Loan Forgiveness Trust Fund as trust funds

3766

under the department; amending s. 154.05, F.S.;

3767

providing that two or more counties may combine for

3768

the operation of a county health department when such

3769

counties establish an interlocal agreement, provides

3770

criteria for such an agreement; provides termination

3771

of an interlocal agreement may only be terminated at

3772

the end of a contract year; specifies that the parties

3773

give written notice to the department no less than 90

3774

days before the termination; amending s. 215.5602,

3775

F.S.; conforming references; amending s. 381.001,

3776

F.S.; revising legislative intent; requiring the

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3777 Department of Health to be responsible for the state
3778 public health system; requiring the department to
3779 provide leadership for a partnership involving
3780 federal, state, and local government and the private
3781 sector to accomplish public health goals; amending s.
3782 381.0011, F.S.; deleting duties and powers of the
3783 department; repealing s. 381.0013, F.S., relating to
3784 the department's authority to exercise the power of
3785 eminent domain; repealing s. 381.0014, F.S., relating
3786 to department rules that superseded regulations and
3787 ordinances enacted by other state departments, boards
3788 or commissions, or municipalities; repealing s.
3789 381.0015, F.S., relating to judicial presumptions
3790 regarding the department's authority to enforce public
3791 health rules; amending s. 381.0016, F.S.; allowing a
3792 county to enact health regulations and ordinances
3793 consistent with state law; repealing s. 381.0017,
3794 F.S., relating to the purchase, lease, and sale of
3795 real property by the department; amending s. 381.0025,
3796 F.S.; deleting penalties for a violation of ch. 381,
3797 F.S., a quarantine, a department rule, an
3798 impersonation of an employee of the department, or the
3799 malicious dissemination of certain information;
3800 providing that certain actions that interfere, hinder,
3801 or oppose official duties of department employees
3802 constitute a second-degree misdemeanor; providing
3803 penalties; amending s. 381.003, F.S.; revising
3804 provisions relating to the department's responsibility

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3805 for communicable disease prevention and control
3806 programs; amending s. 381.0031, F.S.; permitting the
3807 department to conduct studies concerning epidemiology
3808 of communicable diseases of public health
3809 significance; deleting noninfectious diseases from the
3810 list of diseases determined to be a threat to public
3811 health; amending s. 381.00315, F.S.; requiring the
3812 department to establish rules for conditions and
3813 procedures for imposing and releasing a quarantine;
3814 requiring specific provisions to be included in rules;
3815 providing that the rules established under this
3816 section supersede all rules enacted by other state
3817 agencies, boards, or political subdivisions; making
3818 any violation of the rules established under the
3819 section, a quarantine, or requirement adopted pursuant
3820 to a declared public health emergency a second degree
3821 misdemeanor; providing penalties; repealing s.
3822 381.0032, F.S., relating to epidemiological research;
3823 repealing s. 381.00325, F.S., relating to the
3824 Hepatitis A awareness program; amending s. 381.0034,
3825 F.S.; deleting an obsolete qualifying date reference;
3826 repealing s. 381.0037, F.S., relating to legislative
3827 findings and intent with respect to AIDS; amending s.
3828 381.004, F.S.; deleting legislative intent; conforming
3829 cross-references; amending 381.0046, F.S.; requiring
3830 the department to establish dedicated HIV and AIDS
3831 regional and statewide minority coordinators; deleting
3832 the requirement that the statewide director report to

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3833 the chief of the Bureau of HIV and AIDS within the
3834 department; amending s. 381.005, F.S.; deleting the
3835 requirement that hospitals implement a plan to offer
3836 immunizations for pneumococcal bacteria and influenza
3837 virus to all patients 65 years of age or older;
3838 amending s. 381.0051, F.S.; deleting legislative
3839 intent for the Comprehensive Family Planning Act;
3840 amending s. 381.0052, F.S., relating to the "Public
3841 Health Dental Program Act"; repealing unused
3842 department rulemaking authority; amending s. 381.0053,
3843 F.S., relating to the comprehensive nutrition program;
3844 repealing unused department rulemaking authority;
3845 repealing s. 381.0054, F.S., relating to healthy
3846 lifestyles promotion by the department; amending s.
3847 381.0056, F.S., relating to the "School Health
3848 Services Act"; deleting legislative findings; deleting
3849 the requirement that school health programs funded by
3850 health care districts or entities be supplementary to
3851 and consistent with the act and other applicable
3852 statutes; amending s. 381.0057, F.S., relating to
3853 funding for school health services; deleting
3854 legislative intent; amending s. 381.00591, F.S.;
3855 permitting the department to apply for and become a
3856 National Environmental Laboratory Accreditation
3857 Program accreditation body; eliminating rulemaking
3858 authority of the department to implement standards of
3859 the National Environmental Laboratory Accreditation
3860 Program; amending s. 381.00593, F.S.; repealing unused

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 1263 (2012)

Amendment No. 1

3861 rulemaking authority relating to the public school
3862 volunteer health care practitioner program; amending
3863 s. 381.0062, F.S., relating to the "Comprehensive
3864 Family Planning Act"; deleting legislative intent;
3865 amending s. 381.0065, F.S.; deleting legislative
3866 intent; amending s. 381.0068, F.S.; deleting a date by
3867 which a technical review and advisory panel must be
3868 established within the department for assistance with
3869 rule adoption; deleting the authority of the chair of
3870 the panel to advise affected persons or the
3871 Legislature of the panel's position on legislation,
3872 proposed state policy, or other issue; amending s.
3873 381.00781, F.S.; eliminating authority of the
3874 department to annually adjust maximum fees according
3875 to the Consumer Price Index; amending s. 381.0086,
3876 F.S.; revising department rulemaking authority
3877 relating to migrant farmworkers and other migrant
3878 labor camp or residential migrant housing occupants;
3879 removing lighting and maintenance and operation of
3880 roads from the list of health and safety standards to
3881 be created by the department; amending s. 381.0098,
3882 F.S.; deleting legislative intent with respect to
3883 standards for the safe packaging, transport, storage,
3884 treatment, and disposal of biomedical waste; amending
3885 s. 381.0101, F.S.; deleting legislative intent
3886 regarding certification of environmental health
3887 professionals; providing for the Division Director for
3888 Emergency Preparedness and Community Support to serve

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 1263 (2012)

Amendment No. 1

3889 on an environmental health professionals advisory
3890 board; conforming a cross-reference; amending s.
3891 381.0203, F.S.; eliminating the regulation of drugs,
3892 cosmetics, and household products under ch. 499, F.S.,
3893 from the pharmacy services program; eliminating the
3894 contraception distribution program at county health
3895 departments; amending s. 381.0261, F.S.; requiring the
3896 department, rather than the Agency for Health Care
3897 Administration, to publish a summary of the Florida
3898 Patient's Bill of Rights and Responsibilities on its
3899 Internet website; deleting the requirement to print
3900 and distribute the summary; repealing s. 381.0301,
3901 F.S. relating to the Centers for Disease Control and
3902 Prevention, the State University System, Florida
3903 medical schools, and the College of Public Health of
3904 the University of South Florida; deleting the
3905 requirement that the College of Public Health be
3906 consulted by state officials in the management of
3907 public health; repealing s. 381.0302, F.S.;
3908 eliminating the Florida Health Services Corps;
3909 amending s. 381.0303, F.S.; eliminating the
3910 requirement that the Special Needs Shelter Interagency
3911 Committee submit recommendations to the Legislature;
3912 repealing s. 381.04015, F.S.; eliminating the Women's
3913 Health Strategy Office and Officer of Women's Health
3914 Strategy; amending s. 381.0403, F.S., relating to the
3915 "Community Hospital Education Act"; deleting
3916 legislative findings and intent; revising the mission

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 1263 (2012)

Amendment No. 1

3917 of the program; requiring minimum funding for graduate
3918 education in family practice; deleting reference to an
3919 intent to establish a statewide graduate medical
3920 education program; amending s. 381.0405, F.S.;
3921 deleting an appropriation to the Office of Rural
3922 Health; amending s. 381.0406, F.S.; deleting
3923 unnecessary introductory language in provisions
3924 relating to rural health networks; repealing s.
3925 381.0407, F.S., to eliminate the mandatory payment of
3926 claims from public health care providers and county
3927 health departments by managed care plans; repealing s.
3928 381.045, F.S.; eliminating department authority to
3929 provide services to certain health care providers
3930 infected with Hepatitis B or HIV; amending s.
3931 381.06015, F.S.; deleting obsolete provision that
3932 requires the department, the Agency for Health Care
3933 Administration, and private consortium members seeking
3934 private or federal funds to initiate certain program
3935 actions relating to the Public Cord Blood Tissue Bank;
3936 repealing s. 381.0605, F.S., relating to designating
3937 the Agency for Health Care Administration as the state
3938 agency to administer the Federal Hospital and Medical
3939 Facilities Amendments of 1964; eliminating authority
3940 of the Governor to provide for administration of the
3941 amendments; repealing s. 381.102, F.S., to eliminate
3942 the community health pilot projects; repealing s.
3943 381.103, F.S., to eliminate the duties of the
3944 department to assist the community health pilot

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 1263 (2012)

Amendment No. 1

3945 projects; amending s. 381.4018, F.S.; deleting
3946 legislative findings and intent with respect to
3947 physician workforce assessment and development;
3948 conforming a cross-reference: repealing s. 381.60225,
3949 F.S., to eliminate background screening requirements
3950 for health care professionals and owners, operators,
3951 and employees of certain health care providers,
3952 services, and programs; repealing ss. 381.732 and
3953 381.733, F.S., relating to the "Healthy People,
3954 Healthy Communities Act"; repealing s. 381.734, F.S.,
3955 to eliminate the Healthy Communities, Healthy People
3956 Program; amending s. 381.7352, F.S.; deleting
3957 legislative findings relating to the "Reducing Racial
3958 and Ethnic Health Disparities: Closing the Gap Act";
3959 amending s. 381.7353, F.S.; removing the authority of
3960 the State Surgeon General to appoint an ad hoc
3961 committee to study certain aspects of racial and
3962 ethnic health outcome disparities and make
3963 recommendations; amending s. 381.7356, F.S.; deleting
3964 a provision requiring dissemination of Closing the Gap
3965 grant awards to begin on a date certain; amending s.
3966 381.765, F.S.; repealing unused rulemaking authority
3967 relating to records and recordkeeping for department-
3968 owned property; repealing s. 381.77, F.S., to
3969 eliminate the annual survey of nursing home residents
3970 age 55 and under; repealing s. 381.795, F.S., to
3971 eliminate the requirement that the department
3972 establish a program of long-term community-based

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 1263 (2012)

Amendment No. 1

3973 supports and services for individuals with traumatic
3974 brain or spinal cord injuries; amending s. 381.853,
3975 F.S.; deleting legislative findings relating to brain
3976 tumor research; repealing s. 381.855, F.S., which
3977 established the Florida Center for Universal Research
3978 to Eradicate Disease; repealing s. 381.87, F.S., to
3979 eliminate the osteoporosis prevention and education
3980 program; repealing s. 381.895, F.S., which established
3981 standards for compressed air used for recreational
3982 diving; repealing s. 381.90, F.S., to eliminate the
3983 Health Information Systems Council; amending s.
3984 381.91, F.S., relating to the Jesse Trice Cancer
3985 Program; revising legislative intent; amending
3986 381.922, F.S.; conforming a reference; creating s.
3987 383.141, F.S.; providing legislative findings;
3988 providing definitions; requiring that health care
3989 providers provide pregnant women with current
3990 information about the nature of the developmental
3991 disabilities tested for in certain prenatal tests, the
3992 accuracy of such tests, and resources for obtaining
3993 support services for Down syndrome and other
3994 prenatally diagnosed developmental disabilities;
3995 providing duties for the Department of Health
3996 concerning establishment of an information
3997 clearinghouse; creating an advocacy council within the
3998 Department of Health to provide technical assistance
3999 in forming the clearinghouse; providing membership for
4000 the council; providing duties of the council;

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 1263 (2012)

Amendment No. 1

4001 providing terms for members of the council; providing
4002 for election of a chairperson and vice chairperson;
4003 providing meeting times for the council; requiring the
4004 members to serve without compensation or reimbursement
4005 for travel expenses; authorizing meetings by
4006 teleconference or other electronic means; requiring
4007 the Department of Health to provide administrative
4008 support; repealing s. 385.210, F.S., the Arthritis
4009 Prevention and Education Act by a specific date;
4010 amending s. 391.016, F.S.; clarifying the purposes and
4011 functions of the Children's Medical Services program;
4012 requiring the coordination and maintenance of a
4013 medical home for participating children; amending s.
4014 391.021, F.S.; revising definitions; amending s.
4015 391.025, F.S.; revising the components of the
4016 Children's Medical Services program; amending s.
4017 391.026, F.S.; revising the powers and duties of the
4018 department in administering the Children's Medical
4019 Services network; amending s. 391.028, F.S.;
4020 eliminating the central office and area offices of the
4021 Children's Medical Services program; authorizing the
4022 Director of Children's Medical Services to appoint
4023 necessary staff and contract with providers to
4024 establish a system to provide certain program
4025 activities on a statewide basis; amending s. 391.029,
4026 F.S.; specifying eligibility for services provided
4027 under the Children's Medical Services program;
4028 clarifying who may receive services under the program;

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 1263 (2012)

Amendment No. 1

4029 deleting the requirement that the department determine
4030 financial and medical eligibility for program;
4031 deleting the requirement that the department determine
4032 the financial ability of parents to pay for services;
4033 eliminating discretion of the department to pay
4034 reasonable travel expenses; amending s. 391.0315,
4035 F.S.; deleting a prohibition against a child eligible
4036 under Title XIX or XXI of the Social Security Act from
4037 receiving services under the program until the child
4038 is enrolled in Medicaid or a Title XXI program;
4039 amending s. 392.51, F.S., relating to tuberculosis
4040 control; removing legislative findings and intent;
4041 amending s. 392.61, F.S.; eliminating the requirement
4042 that the department develop a methodology for
4043 distributing funds appropriated for community
4044 tuberculosis control programs; amending s. 392.62,
4045 F.S.; requiring a contractor to use licensed community
4046 hospitals and other facilities for the care and
4047 treatment of persons who have active tuberculosis or a
4048 history of noncompliance with prescribed drug regimens
4049 and require inpatient or other residential services;
4050 removing authority of the department to operate a
4051 licensed hospital to treat tuberculosis patients;
4052 requiring the tuberculosis control program to fund
4053 participating facilities; requiring facilities to meet
4054 specific conditions; requiring the department to
4055 develop a transition plan for the closure of A.G.
4056 Holley State Hospital; specifying content of

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 1263 (2012)

Amendment No. 1

4057 transition plan; requiring submission of the plan to
4058 the Governor and Legislature; requiring full
4059 implementation of the transition plan by a certain
4060 date; amending s. 401.243, F.S.; repealing unused
4061 rulemaking authority governing the implementation of
4062 injury-prevention grant programs; amending s. 401.245,
4063 F.S.; repealing unused rulemaking authority relating
4064 to operating procedures for the Emergency Medical
4065 Services Advisory Council; amending s. 401.271, F.S.;
4066 repealing unused rulemaking authority relating to an
4067 exemption for the spouse of a member of the Armed
4068 Forces of the United States on active duty from
4069 certification renewal provisions while the spouse is
4070 absent from the state because of the member's active
4071 duty with the Armed Forces; deleting s. 402.45, F.S.;
4072 repealing unused rulemaking authority relating to the
4073 community resource mother or father program; amending
4074 s. 403.863, F.S.; directing the department to contract
4075 to perform state public water supply laboratory
4076 certification application review and evaluation and
4077 laboratory inspections; adding certain actions to the
4078 list of acts constituting grounds for which
4079 disciplinary actions may be taken under the section;
4080 amending ss. 400.914 and 409.256, F.S.; conforming
4081 references; repealing s. 458.346, F.S., which created
4082 the Public Sector Physician Advisory Committee and
4083 established its responsibilities; amending s. 462.19,
4084 F.S., relating to the renewal of licenses for

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 1263 (2012)

Amendment No. 1

4085 practitioners of naturopathy; repealing unused
4086 rulemaking authority; amending s. 464.019, F.S.,
4087 requiring the Board of Nursing to deny a program
4088 application for new prelicensure nursing education
4089 program while the existing program is on probationary
4090 status; repealing s. 464.0197, F.S., relating to state
4091 budget support for the Florida Center for Nursing;
4092 amending s. 464.208, F.S.; repealing unused rulemaking
4093 authority relating to background screening information
4094 of certified nursing assistants; repealing s.
4095 466.00775, F.S., relating to unused rulemaking
4096 authority relating to dental health access and dental
4097 laboratory registration provisions; amending ss.
4098 212.08, 499.003, 499.601, and 499.61, F.S.; updating
4099 departmental designation; amending s. 514.011, F.S.;
4100 revising the definition of "public bathing place";
4101 amending s. 514.021, F.S.; restricting rulemaking
4102 authority of the department; limiting scope of
4103 standards for public pools and public bathing places;
4104 prohibiting the department from adopting by rule any
4105 regulation regarding the design, alteration, or repair
4106 of a public pool or public bathing; eliminating
4107 authority of the department to review plans, issue
4108 approvals, and enforce occupancy provisions of the
4109 Florida Building Code; amending s. 514.023, F.S.;
4110 adding public bathing places to the provisions
4111 allowing sampling of beach waters to determine
4112 sanitation and allowing health advisories to be issued

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 1263 (2012)

Amendment No. 1

4113 for elevated levels of bacteria in such waters;
4114 amending s. 514.025, F.S.; requiring the department to
4115 review applications and plans for the construction or
4116 placement of public pools or bathing places; providing
4117 for the department to review applications and plans if
4118 no qualified staff are employed at the county health
4119 department; establishing that the department is
4120 responsible to monitor water quality in public pools
4121 and bathing places; amending s. 514.03, F.S.;

4122 permitting local governments or local enforcement
4123 districts to determine compliance with general
4124 construction provisions of the Florida Building Code;
4125 permitting local governments or local enforcement
4126 districts to conduct plan reviews and inspections of
4127 public pools and bathing places to determine
4128 compliance; eliminating an application process for
4129 review of building plans for a public pool or bathing
4130 place by the department; amending s. 514.031, F.S.;

4131 requiring a valid permit from the county health or
4132 department to operate a public pool; revising the list
4133 of documents that must accompany an application for a
4134 permit to operate a public pool; providing the county
4135 health department or department with authority to
4136 review, approve, and deny an application for a permit
4137 to operate a public pool; amending s. 514.033, F.S.;

4138 deleting authority of the department to establish a
4139 fee schedule; requiring fees collected by the
4140 department or county health department to be deposited

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 1263 (2012)

Amendment No. 1

4141 into the County Health Department Trust Fund; amending
4142 s. 514.05, F.S.; requiring all amounts collected to be
4143 deposited in the Grants and Donations Trust Fund or
4144 the County Health Department Trust Fund; granting the
4145 county health department the authority to close a
4146 public pool that is not in compliance with chapter
4147 514, F.S., or applicable rules; amending s. 514.06,
4148 F.S.; deeming a public pool or bathing place to
4149 present a significant risk to public health by failing
4150 to meet water quality and safety to be a public
4151 nuisance; allowing for a public nuisance to be abated
4152 or enjoined; amending s. 633.115, F.S.; making
4153 conforming changes; amending s. 1009.66, F.S.;
4154 reassigning responsibility for the Nursing Student
4155 Loan Forgiveness Program from the Department of Health
4156 to the Department of Education; amending s. 1009.67,
4157 F.S.; reassigning responsibility for the nursing
4158 scholarship program from the Department of Health to
4159 the Department of Education; providing type two
4160 transfers of the programs; providing for transfer of a
4161 trust fund; providing applicability to contracts;
4162 authorizing transfer of funds and positions between
4163 departments; requiring the Division of Medical Quality
4164 and Assurance to create a plan to improve efficiency
4165 of the function of the division; directing the
4166 division to take certain actions in creating the plan;
4167 directing the division to address particular topics in
4168 the plan; requiring all executive branch agencies to

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 1263 (2012)

Amendment No. 1

4169 assist the department in creating the plan; requesting
4170 all other state agencies to assist the department in
4171 creating the plan; amending ss. 154.503, 381.0041,
4172 384.25, 392.56, 395.1027, 456.032, 768.28, and
4173 775.0877, F.S.; conforming cross-references; providing
4174 effective dates.
4175

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 1263 (2012)

Amendment No. 1a

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	—	(Y/N)
ADOPTED AS AMENDED	—	(Y/N)
ADOPTED W/O OBJECTION	<u>Y</u>	(Y/N)
FAILED TO ADOPT	—	(Y/N)
WITHDRAWN	—	(Y/N)
OTHER	—	

1 Committee/Subcommittee hearing bill: Health & Human Services
2 Committee

3 Representative Hudson offered the following:

4
5 **Amendment to Amendment (194335) by Representative Hudson**
6 **(with title amendment)**

7 Remove lines 561-608 of the amendment and insert:

8 (2) Any practitioner licensed in this state to practice
9 medicine, osteopathic medicine, chiropractic medicine,
10 naturopathy, or veterinary medicine; any hospital licensed under
11 part I of chapter 395; or any laboratory licensed under chapter
12 483 that diagnoses or suspects the existence of a disease of
13 public health significance shall immediately report the fact to
14 the Department of Health.

15 (3)~~(2)~~ Periodically the department shall issue a list of
16 infectious or noninfectious diseases determined by it to be a
17 threat to public health and therefore of significance to public
18 health and shall furnish a copy of the list to the practitioners
19 listed in subsection (2) ~~(1)~~. The list shall be based on the

Amendment No. 1a

20 diseases recommended to be nationally notifiable by the Council
21 of State and Territorial Epidemiologists and the Centers for
22 Disease Control and Prevention. The department may expand upon
23 the list if a disease emerges for which regular, frequent and
24 timely information regarding individual cases is considered
25 necessary for the prevention and control of a disease specific
26 to Florida.

27 ~~(4)(3)~~ Reports required by this section must be in
28 accordance with methods specified by rule of the department.

29 ~~(5)(4)~~ Information submitted in reports required by this
30 section is confidential, exempt from the provisions of s.
31 119.07(1), and is to be made public only when necessary to
32 public health. A report so submitted is not a violation of the
33 confidential relationship between practitioner and patient.

34 ~~(6)(5)~~ The department may obtain and inspect copies of
35 medical records, records of laboratory tests, and other medical-
36 related information for reported cases of diseases of public
37 health significance described in subsection (2). The department
38 shall examine the records of a person who has a disease of
39 public health significance only for purposes of preventing and
40 eliminating outbreaks of disease and making epidemiological
41 investigations of reported cases of diseases of public health
42 significance, notwithstanding any other law to the contrary.
43 Health care practitioners, licensed health care facilities, and
44 laboratories shall allow the department to inspect and obtain
45 copies of such medical records and medical-related information,
46 notwithstanding any other law to the contrary. Release of
47 medical records and medical-related information to the

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Amendment No. 1a

48 department by a health care practitioner, licensed health care
49 facility, or laboratory, or by an authorized employee or agent
50 thereof, does not constitute a violation of the confidentiality
51 of patient records. A health care practitioner, health care
52 facility, or laboratory, or any employee or agent thereof, may
53 not be held liable in any manner for damages and is not subject
54 to criminal penalties for providing patient records to the
55 department as authorized by this section.

56 ~~(7)~~(6) The department may adopt rules related to reporting
57 diseases of significance to public health, which must specify
58 the information to be included in the report, who is required to
59 report, the method and time period for reporting, requirements
60 for enforcement, and required followup activities by the
61 department which are necessary to protect public health.

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

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66 -----
67 **T I T L E A M E N D M E N T**

68 Remove lines 3806-3811 of the amendment and insert:
69 programs; amending s. 381.0031, F.S.; permitting the department
70 to conduct studies concerning epidemiology of diseases of public
71 health significance; specifying that the list of diseases of
72 public health significance is based on the recommendations to be
73 nationally notifiable by the Council of State and Territorial
74 Epidemiologists and the Centers for Disease Control and
75 Prevention; provides the department authority to expand the

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 1263 (2012)

Amendment No. 1a

76 list, if a disease emerges for which regular, frequent and
77 timely information regarding individual cases is considered
78 necessary for the prevention and control of a disease specific
79 to Florida; amending s. 381.00315, F.S.; requiring the

80

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 1263 (2012)

Amendment No. a1-2

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	—	(Y/N)
ADOPTED AS AMENDED	—	(Y/N)
ADOPTED W/O OBJECTION	<u>Y</u>	(Y/N)
FAILED TO ADOPT	—	(Y/N)
WITHDRAWN	—	(Y/N)
OTHER	_____	

1 Committee/Subcommittee hearing bill: Health & Human Services
2 Committee

3 Representative Pafford offered the following:

4
5 **Amendment to Amendment (194335) by Representative Hudson**
6 **(with directory amendment)**

7 Between lines 1756 and 1757 of the amendment, insert:

8 Section 1. Subsection (1) of section 381.0072, Florida
9 Statutes, is amended to read:

10 381.0072 Food service protection.—It shall be the duty of
11 the Department of Health to adopt and enforce sanitation rules
12 consistent with law to ensure the protection of the public from
13 food-borne illness. These rules shall provide the standards and
14 requirements for the storage, preparation, serving, or display
15 of food in food service establishments as defined in this
16 section and which are not permitted or licensed under chapter
17 500 or chapter 509.

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

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 1263 (2012)

Amendment No. a1-2

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

21 (b) "Food service establishment" means detention
22 facilities, public or private schools, migrant labor camps,
23 assisted living facilities, adult family-care homes, adult day
24 care centers, short-term residential treatment centers,
25 residential treatment facilities, homes for special services,
26 transitional living facilities, facilities participating in the
27 U.S. Department of Agriculture Afterschool Meal Program, crisis
28 stabilization units, hospices, prescribed pediatric extended
29 care centers, intermediate care facilities for persons with
30 developmental disabilities, boarding schools, civic or fraternal
31 organizations, bars and lounges, vending machines that dispense
32 potentially hazardous foods at facilities expressly named in
33 this paragraph, and facilities used as temporary food events or
34 mobile food units at any facility expressly named in this
35 paragraph, where food is prepared and intended for individual
36 portion service, including the site at which individual portions
37 are provided, regardless of whether consumption is on or off the
38 premises and regardless of whether there is a charge for the
39 food. The term does not include any entity not expressly named
40 in this paragraph; nor does the term include a domestic violence
41 center certified and monitored by the Department of Children and
42 Family Services under part XII of chapter 39 if the center does
43 not prepare and serve food to its residents and does not
44 advertise food or drink for public consumption.

Amendment No. a1-2

45 (c) "Operator" means the owner, operator, keeper,
46 proprietor, lessee, manager, assistant manager, agent, or
47 employee of a food service establishment.
48
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51 -----

52 **D I R E C T O R Y A M E N D M E N T**

53 Remove line 3872 of the amendment and insert:
54 Proposed state policy, or other issue; amending s. 381.0072,
55 F.S.; amending the definition of food establishment to include
56 facilities participating in the U.S. Department of Agriculture
57 Afterschool Meal Program; amending s.
58

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 1263 (2012)

Amendment No. a1-3

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	—	(Y/N)
ADOPTED AS AMENDED	—	(Y/N)
ADOPTED W/O OBJECTION	<u>Y</u>	(Y/N)
FAILED TO ADOPT	—	(Y/N)
WITHDRAWN	—	(Y/N)
OTHER	—	

1 Committee/Subcommittee hearing bill: Health & Human Services
2 Committee
3 Representative Diaz offered the following:

4
5 **Amendment to Amendment (194335) by Representative Hudson**
6 **(with directory amendment)**

7 Between lines 2341 and 2342 of the amendment, insert:

8 Section 68. Paragraph (g) of subsection (1) of section
9 383.011, Florida Statutes, is amended to read:

10 383.011 Administration of maternal and child health
11 programs.—

12 (1) The Department of Health is designated as the state
13 agency for:

14 (g) Receiving the federal funds for the "Special
15 Supplemental Nutrition Program for Women, Infants, and
16 Children," or WIC, authorized by the Child Nutrition Act of
17 1966, as amended, and for providing clinical leadership for
18 administering the statewide WIC program.

Amendment No. a1-3

19 1. The department shall establish an interagency agreement
20 with the Department of Children and Families for management of
21 the program. Responsibilities are delegated to each department
22 as follows:

23 a. The department shall provide clinical leadership,
24 manage program eligibility, and distribute nutritional guidance
25 and information to participants.

26 b. The Department of Children and Families shall develop
27 and implement an electronic benefits transfer system.

28 c. The department of Children and Families shall develop a
29 cost containment plan that provides timely and accurate
30 adjustments based on wholesale price fluctuations, and adjusts
31 for the number of cash registers in calculating statewide
32 averages.

33 d. The department shall coordinate submission of
34 information to appropriate federal officials in order to obtain
35 approval of the electronic benefits system and cost containment
36 plan, which must include participation of WIC only stores.

37 2. The department shall assist the Department of Children
38 and Families in the development of the electronic benefits
39 system to ensure full implementation no later than July 1, 2013.
40

41 -----
42 **D I R E C T O R Y A M E N D M E N T**

43 Remove line 3986 of the amendment and insert:

44 381.922, F.S.; amending s. 383.011, F.S.; requiring the
45 Department of Health to establish an interagency agreement
46 with the Department of Children and Families for management

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 1263 (2012)

Amendment No. a1-3

47 of the Special Supplemental Nutrition program for Women,
48 Infants, and Children; providing certain responsibilities
49 to each department; conforming a reference; creating s.
50

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 1263 (2012)

Amendment No. a1-4

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	—	(Y/N)
ADOPTED AS AMENDED	—	(Y/N)
ADOPTED W/O OBJECTION	<input checked="" type="checkbox"/>	(Y/N)
FAILED TO ADOPT	—	(Y/N)
WITHDRAWN	—	(Y/N)
OTHER	—	

1 Committee/Subcommittee hearing bill: Health & Human Services
2 Committee

3 Representative Hudson offered the following:

4

5 **Amendment to Amendment (194335) by Representative Hudson**

6 Remove line 2968 of the amendment and insert:

7 (c) "Health care provider" means a practitioner licensed

8

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 1263 (2012)

Amendment No. a1-5

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	—	(Y/N)
ADOPTED AS AMENDED	—	(Y/N)
ADOPTED W/O OBJECTION	—	(Y/N)
FAILED TO ADOPT	Y	(Y/N)
WITHDRAWN	—	(Y/N)
OTHER	—	

1 Committee/Subcommittee hearing bill: Health & Human Services
2 Committee
3 Representative Jones offered the following:

4
5 **Amendment to Amendment (194335) by Representative Hudson**
6 **(with title amendment)**

7 Remove lines 73-94 of the amendment and insert:

8 (2) (a) The head of the Department of Health is the State
9 Surgeon General and State Health Officer. The State Surgeon
10 General must be a physician licensed under chapter 458 or
11 chapter 459 who has advanced training or extensive experience in
12 public health administration. The State Surgeon General is
13 appointed by the Governor subject to confirmation by the Senate.
14 The State Surgeon General serves at the pleasure of the
15 Governor. The State Surgeon General shall serve as the leading
16 voice on wellness and disease prevention efforts, including the
17 promotion of healthful lifestyles, immunization practices,
18 health literacy, and the assessment and promotion of the
19 physician and health care workforce in order to meet the health

Amendment No. a1-5

20 care needs of the state. The State Surgeon General shall focus
21 on advocating healthy lifestyles, developing public health
22 policy, and building collaborative partnerships with schools,
23 businesses, health care practitioners, community-based
24 organizations, and public and private institutions in order to
25 promote health literacy and optimum quality of life for all
26 Floridians.

27 (b) The Officer of Women's Health Strategy is established
28 within the Department of Health and shall report directly to the
29 State Surgeon General.

30
31
32
33
34 -----
35 **T I T L E A M E N D M E N T**

36 Remove lines 3760-3762 of the amendment and insert:
37 department; revising divisions within the department;
38

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 1263 (2012)

Amendment No. a1-6

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION _____ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN Y (Y/N)
OTHER _____

1 Committee/Subcommittee hearing bill: Health & Human Services
2 Committee

3 Representative Jones offered the following:

4
5 **Amendment to Amendment (194335) by Representative Hudson**
6 **(with title amendment)**

7 Remove lines 558-604 of the amendment and insert:

8 (1) The department may conduct studies concerning the
9 epidemiology of diseases of public health significance affecting
10 people in Florida.

11 (2) Any practitioner licensed in this state to practice
12 medicine, osteopathic medicine, chiropractic medicine,
13 naturopathy, or veterinary medicine; any hospital licensed under
14 part I of chapter 395; or any laboratory licensed under chapter
15 483 that diagnoses or suspects the existence of a disease of
16 public health significance shall immediately report the fact to
17 the Department of Health.

18 (3) ~~(2)~~ Periodically the department shall issue a list of
19 infectious or noninfectious diseases determined by it to be a

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Amendment No. a1-6

20 threat to public health and therefore of significance to public
21 health and shall furnish a copy of the list to the practitioners
22 listed in subsection (2) ~~(1)~~.

23 (4)~~(3)~~ Reports required by this section must be in
24 accordance with methods specified by rule of the department:

25 (5)~~(4)~~ Information submitted in reports required by this
26 section is confidential, exempt from the provisions of s.
27 119.07(1), and is to be made public only when necessary to
28 public health. A report so submitted is not a violation of the
29 confidential relationship between practitioner and patient.

30 (6)~~(5)~~ The department may obtain and inspect copies of
31 medical records, records of laboratory tests, and other medical-
32 related information for reported cases of diseases of public
33 health significance described in subsection (2). The department
34 shall examine the records of a person who has a disease of
35 public health significance only for purposes of preventing and
36 eliminating outbreaks of disease and making epidemiological
37 investigations of reported cases of diseases of public health
38 significance, notwithstanding any other law to the contrary.
39 Health care practitioners, licensed health care facilities, and
40 laboratories shall allow the department to inspect and obtain
41 copies of such medical records and medical-related information,
42 notwithstanding any other law to the contrary. Release of
43 medical records and medical-related information to the
44 department by a health care practitioner, licensed health care
45 facility, or laboratory, or by an authorized employee or agent
46 thereof, does not constitute a violation of the confidentiality
47 of patient records. A health care practitioner, health care

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Published On: 2/27/2012 5:24:44 PM

Amendment No. a1-6

48 facility, or laboratory, or any employee or agent thereof, may
49 not be held liable in any manner for damages and is not subject
50 to criminal penalties for providing patient records to the
51 department as authorized by this section.

52 (7)~~(6)~~ The department may adopt rules related to reporting
53 diseases of significance to public health, which

54

55

56

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58

T I T L E A M E N D M E N T

59

Remove line 3808 of the amendment and insert:

60

of diseases of public health

COMMITTEE MEETING REPORT
Health & Human Services Committee

2/27/2012 2:00:00PM

Location: 404 HOB

CS/HB 1313 : Dental Hygienists

Favorable

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Dennis Baxley	X				
Mack Bernard	X				
Jason Brodeur	X				
Richard Corcoran				X	
Janet Cruz	X				
Eduardo Gonzalez	X				
Gayle Harrell	X				
Doug Holder	X				
Matt Hudson	X				
Mia Jones	X				
Ana Logan	X				
Mark Pafford	X				
Ronald Renuart	X				
Elaine Schwartz	X				
Carlos Trujillo	X				
Barbara Watson	X				
John Wood	X				
Robert Schenck (Chair)	X				
Total Yeas: 17		Total Nays: 0			

Appearances:

1313

Pitts, Brian - Waive In Support

Justice-2-Jesus

1119 Newton Ave. S.

St. Petersburg FL 33705

Phone: 727-897-9291

Dental Hygienists

Hart, Joe Ann (Lobbyist) - Waive In Support

Florida Dental Association

118 E. Jefferson St.

Tallahassee FL 32301

Phone: (850)224-1089

Dental Hygienist

Mask, Trevor (Lobbyist) - Waive In Support

FI Dental Hygiene Association

215 S. Monroe St.

Tallahassee FI 32301

Phone: 850-577-0398

Committee meeting was reported out: Monday, February 27, 2012 8:45:26PM

COMMITTEE MEETING REPORT
Health & Human Services Committee
2/27/2012 2:00:00PM

Location: 404 HOB

PCB HHSC 12-05 : Agency for Persons with Disabilities

Favorable

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Dennis Baxley	X				
Mack Bernard		X			
Jason Brodeur	X				
Richard Corcoran	X				
Janet Cruz		X			
Eduardo Gonzalez	X				
Gayle Harrell	X				
Doug Holder	X				
Matt Hudson	X				
Mia Jones		X			
Ana Logan	X				
Mark Pafford		X			
Ronald Renuart	X				
Elaine Schwartz		X			
Carlos Trujillo	X				
Barbara Watson		X			
John Wood	X				
Robert Schenck (Chair)	X				
Total Yeas: 12		Total Nays: 6			

Appearances:

PCB HHSC 12-05

Hooper, Margaret (Lobbyist) - Opponent
 FI Development Disabilities Council
 124 Marriott Dr., Ste. 203
 Tallahassee FI 32301
 Phone: 850-921-7263

PCB HHSC 12-05

Hansen, Micheal (Lobbyist) (State Employee) - Information Only
 Agency for Persons w/Disabilities
 4030 Esplande Way, Ste 380
 Tallahassee FI 32399
 Phone: 850-488-1558

Request addition to bill

Ogburn, Lou - Information Only
 Family Care Council Florida
 Tallahassee FI 32312
 Phone: 850-385-7400

Committee meeting was reported out: Monday, February 27, 2012 8:45:26PM

COMMITTEE MEETING REPORT
Health & Human Services Committee

2/27/2012 2:00:00PM

Location: 404 HOB

PCS for HB 727 : Medicaid Managed Care

Favorable With Amendments

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Dennis Baxley	X				
Mack Bernard		X			
Jason Brodeur	X				
Richard Corcoran				X	
Janet Cruz		X			
Eduardo Gonzalez	X				
Gayle Harrell	X				
Doug Holder	X				
Matt Hudson	X				
Mia Jones		X			
Ana Logan	X				
Mark Pafford		X			
Ronald Renuart	X				
Elaine Schwartz		X			
Carlos Trujillo	X				
Barbara Watson		X			
John Wood	X				
Robert Schenck (Chair)	X				
Total Yeas: 11		Total Nays: 6			

PCS for HB 727 Amendments

Amendment PCS For HB 727a a1

Adopted Without Objection

Appearances:

Green, Jennifer (Lobbyist) - Waive In Support
 Humana, Inc
 P.O. Box 46
 Tallahassee FL 32301
 Phone: (850) 841-1726

Maury, Ramon (Lobbyist) - Waive In Support
 American Elder Care
 514 E. College Ave.
 Tallahassee FL 32301
 Phone: (850) 222-1568

Daly, Erin (Lobbyist) - Waive In Support
 American Elder Care
 110 E. College Aven
 Tallahassee FL 32301
 Phone: (850) 681-1065

Committee meeting was reported out: Monday, February 27, 2012 8:45:26PM

COMMITTEE MEETING REPORT
Health & Human Services Committee

2/27/2012 2:00:00PM

Location: 404 HOB

PCS for HB 727 : Medicaid Managed Care (continued)

Appearances: (continued)

Hart, Joe Ann (Lobbyist) - Waive In Support

Florida Dental Association

118 E. Jefferson St.

Tallahassee FL 32301

Phone: (850) 224-1089

Committee meeting was reported out: Monday, February 27, 2012 8:45:26PM

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	—	(Y/N)
ADOPTED AS AMENDED	—	(Y/N)
ADOPTED W/O OBJECTION	<u>Y</u>	(Y/N)
FAILED TO ADOPT	—	(Y/N)
WITHDRAWN	—	(Y/N)
OTHER	_____	

1 Committee/Subcommittee hearing PCB: Health & Human Services
2 Committee
3 Representative Schenck offered the following:

Amendment (with title amendment)

6 Remove lines 318-321

T I T L E A M E N D M E N T

12 Remove lines 14-16 and insert:
13 calculation; amending s. 409.962, F.S.; including certain
14