

PCS for HB 1263

ORIGINAL

YEAR

1                                   A bill to be entitled  
 2       An act relating to the Department of Health; amending  
 3       s. 20.43, F.S.; revising the purpose of the  
 4       Department; revising duties of the State Surgeon  
 5       General; eliminating the Officer of Women's Health  
 6       Strategy; revising divisions within the department;  
 7       amending s. 20.435, F.S.; redesignating the Medical  
 8       Quality Assurance Trust Fund as the Health Care  
 9       Regulation Trust Fund to conform to changes made by  
 10      the act; eliminating the Florida Drug, Device, and  
 11      Cosmetic Trust Fund and the Nursing Student Loan  
 12      Forgiveness Trust Fund as trust funds of the  
 13      department; amending s. 154.001, F.S.; requiring  
 14      decentralization of the public health system;  
 15      requiring centralization of statewide public health  
 16      services to be provided by the Department; allowing  
 17      the Department to delegate roles and responsibilities  
 18      or use outside contractors to implement program and  
 19      service activities; amending s. 154.01, F.S.;  
 20      requiring the Department to contract with each county  
 21      to establish and maintain a county health department;  
 22      defining specific services to be provided by a county  
 23      health department; establishing criteria for county  
 24      public health contracts to be eligible for state block  
 25      grants; requiring the Department to submit to the  
 26      Legislature a list of construction or expansion needs  
 27      in order of priority with annual budget request;  
 28      specifying information to be included in list of

PCS for HB 1263

ORIGINAL

YEAR

29 construction or expansion needs; repealing s. 154.03,  
 30 F.S.; relating to cooperation with the Department and  
 31 the United States government as to expenditure of  
 32 funds to study disease and disease prevention;  
 33 amending s. 154.04, F.S.; permitting health  
 34 professionals working in a county health department to  
 35 function within scope of professional license and in  
 36 accordance with protocols established by county health  
 37 department; deleting conditions under which a  
 38 registered nurse or licensed physician can treat  
 39 patients in a county health department; deleting  
 40 rulemaking authority of the Department; making  
 41 personnel of county health department employees of the  
 42 county and subject to personnel rules and policies of  
 43 the county; amending s. 154.05, F.S.; permitting two  
 44 or more counties to combine and operate a county  
 45 health department upon establishing an interlocal  
 46 agreement; requiring interlocal agreement to specify  
 47 roles and responsibilities of each county; amending s.  
 48 154.06, F.S.; making fee schedules for public health  
 49 services rendered through a county health department  
 50 the responsibility of each county; deleting  
 51 requirement that fees collected for services be  
 52 credited to the County Health Department Trust Fund;  
 53 amending s. 154.067, F.S.; requiring each county to  
 54 adopt a protocol for evaluating, treating, and  
 55 reporting child abuse and neglect cases; creating an  
 56 unnumbered section of law; requiring the Department to

PCS for HB 1263

ORIGINAL

YEAR

57 | develop a transition plan to decentralize public  
 58 | health services; requiring specific elements to be  
 59 | included in the plan; requiring submission of the  
 60 | plan to the Governor, President of the Senate, and  
 61 | Speaker of the House of Representatives; amending s.  
 62 | 215.5602, F.S.; conforming a cross reference; amending  
 63 | s. 381.001, F.S.; deleting legislative intent; making  
 64 | the Department responsible for state public health  
 65 | system; requiring the Department to provide leadership  
 66 | for a partnership involving federal, state, and local  
 67 | government and private sector to accomplish public  
 68 | health goals; amending s. 381.0011, F.S.; deleting  
 69 | duties and powers of the Department; repealing s.  
 70 | 381.0013, F.S.; regarding eminent domain; repealing s.  
 71 | 381.0014, F.S.; regarding superseded regulations and  
 72 | ordinances; repealing s. 381.0015, F.S.; regarding  
 73 | presumptions; amending s. 381.0016, F.S.; allowing a  
 74 | county to enact health regulations and ordinances  
 75 | consistent with state law; repealing s. 381.0017,  
 76 | F.S.; relating to the purchase, lease, and sale of  
 77 | real property by the Department; amending s. 381.0025,  
 78 | F.S.; deleting penalties for a violation of chapter  
 79 | 381, F.S., a quarantine, or a rule; deleting  
 80 | impersonation of an employee of the department as  
 81 | violation of section; adding actions that interfere,  
 82 | hinder, or oppose official duties of Department  
 83 | employees constitute a second degree misdemeanor;  
 84 | amending s. 381.003, F.S.; clarifying that the

PCS for HB 1263

ORIGINAL

YEAR

85 Department must provide communicable disease  
 86 prevention and control programs for the prevention,  
 87 control, and reporting of communicable diseases of  
 88 public health significance; amending s. 381.0031,  
 89 F.S.; permitting the department to conduct studies  
 90 concerning epidemiology of communicable diseases of  
 91 public health significance; deleting noninfectious  
 92 diseases from the list of diseases determined to be a  
 93 threat to public health; amending s. 381.00315, F.S.;  
 94 requiring the Department to establish rules for  
 95 conditions and procedures for imposing and releasing a  
 96 quarantine; requiring specific provisions to be  
 97 included in rules; providing the rules established  
 98 under this section supersede all rules enacted by  
 99 other state agencies, boards, or political  
 100 subdivisions; making any violation of the rules  
 101 established under the section, a quarantine, or  
 102 requirement adopted pursuant to a declared public  
 103 health emergency a second degree misdemeanor;  
 104 repealing s. 381.0032, F.S.; relating to  
 105 epidemiological research; repealing s. 381.00325,  
 106 F.S.; eliminating the Hepatitis A awareness program;  
 107 amending s. 381.0034, F.S.; deleting a qualifying date  
 108 reference; repealing s. 381.0037, F.S.; deleting  
 109 legislative findings and intent; amending s. 381.004,  
 110 F.S.; deleting legislative intent; amending 381.0046,  
 111 F.S.; redesignating the Bureau of HIV and AIDS as the  
 112 Bureau of Communicable Diseases; requiring the

PCS for HB 1263

ORIGINAL

YEAR

113 Department to establish dedicated HIV and AIDS  
 114 regional minority coordinators; deleting the  
 115 requirement that the statewide director report to the  
 116 chief of the Bureau of HIV and AIDS within the  
 117 Department; amending s. 381.005, F.S.; deleting the  
 118 requirement that hospitals implement a plan to offer  
 119 immunizations for pneumococcal bacteria and influenza  
 120 virus to all patients 65 years of age or older;  
 121 amending s. 381.0051, F.S.; deleting legislative  
 122 intent; amending s. 381.0052, F.S.; repealing unused  
 123 rulemaking authority; amending s. 381.0053, F.S.;  
 124 repealing unused rulemaking authority; repealing s.  
 125 381.0054, F.S.; eliminating healthy lifestyles  
 126 promotion by the Department; amending s. 381.0056,  
 127 F.S.; deleting legislative findings; deleting the  
 128 requirement that school health programs funded by  
 129 health care districts or entities be supplementary to  
 130 and consistent with the Act and other applicable  
 131 statutes; amending s. 381.0057, F.S.; deleting  
 132 legislative intent; amending s. 381.00591, F.S.;  
 133 permitting the Department to apply for and become a  
 134 National Environmental Laboratory Accreditation  
 135 Program accreditation body; eliminating rulemaking  
 136 authority of the Department to implement standards of  
 137 the National Environmental Laboratory Accreditation  
 138 Program; amending s. 381.00593, F.S.; repealing unused  
 139 rulemaking authority; amending s. 381.0062, F.S.;  
 140 deleting legislative intent; amending s. 381.0065,

PCS for HB 1263

ORIGINAL

YEAR

141 F.S.; deleting legislative intent; defining the term  
 142 "bedroom"; conforming cross-references; providing for  
 143 any permit issued and approved by the Department for  
 144 the installation, modification, or repair of an onsite  
 145 sewage treatment and disposal system to transfer with  
 146 the title of the property; providing circumstances in  
 147 which an onsite sewage treatment and disposal system  
 148 is not considered abandoned; providing for the  
 149 validity of an onsite sewage treatment and disposal  
 150 system permit if rules change before final approval of  
 151 the constructed system; providing that a system  
 152 modification, replacement, or upgrade is not required  
 153 unless a bedroom is added to a single-family home;  
 154 deleting provisions requiring the Department to  
 155 administer an evaluation and assessment program of  
 156 onsite sewage treatment and disposal systems and  
 157 requiring property owners to have such systems  
 158 evaluated at least once every 5 years; deleting  
 159 obsolete provisions; creating s. 381.00651, F.S.;  
 160 requiring a county or municipality containing a first  
 161 magnitude spring to adopt by ordinance, under certain  
 162 circumstances, the program for the periodic evaluation  
 163 and assessment of onsite sewage treatment and disposal  
 164 systems; requiring the county or municipality to  
 165 notify the Secretary of State of the ordinance;  
 166 authorizing a county or municipality, in specified  
 167 circumstances, to opt out of certain requirements by a  
 168 specified date; authorizing a county or municipality

PCS for HB 1263

ORIGINAL

YEAR

169 | to adopt or repeal, after a specified date, an  
 170 | ordinance creating an evaluation and assessment  
 171 | program; subject to notification of the Secretary of  
 172 | State; providing criteria for evaluations, qualified  
 173 | contractors, repair of systems; providing for certain  
 174 | procedures and exemptions in special circumstances;  
 175 | defining the term "system failure"; requiring that  
 176 | certain procedures be used for conducting tank and  
 177 | drainfield evaluations; providing for certain  
 178 | procedures in special circumstances; providing for  
 179 | assessment procedures; providing requirements for  
 180 | county health departments; requiring the county or  
 181 | municipality to develop a system for tracking the  
 182 | evaluations; providing criteria; requiring counties  
 183 | and municipalities to notify the Secretary of  
 184 | Environmental Protection and the Department that an  
 185 | evaluation program ordinance is adopted; requiring the  
 186 | Department of Environmental Protection to notify those  
 187 | counties or municipalities of the use of, and access  
 188 | to, certain state and federal program funds and to  
 189 | provide certain guidance and technical assistance upon  
 190 | request; prohibiting the adoption of certain rules by  
 191 | the Department; providing applicability; repealing s.  
 192 | 381.00656, F.S., eliminating the grant program for  
 193 | assisting owners of onsite sewage treatment and  
 194 | disposal systems; amending s. 381.0066, F.S.; lowering  
 195 | the fees imposed by the department for certain  
 196 | permits; amending s. 381.0068, F.S.; deleting a date

PCS for HB 1263

ORIGINAL

YEAR

197 | reference for establishing a technical review and  
 198 | advisory panel within the Department for assistance  
 199 | with rule adoption; deleting the authority of the  
 200 | chair of the panel to advise affected persons or the  
 201 | Legislature of the panel's position on legislation,  
 202 | proposed state policy, or other issue; amending s.  
 203 | 381.00781, F.S.; eliminating authority of the  
 204 | Department to annually adjust maximum fees according  
 205 | to the Consumer Price Index; amending s. 381.0086,  
 206 | F.S.; removing lighting and maintenance and operation  
 207 | of camp, housing, or roads from the list of health  
 208 | and safety standards to be created by the Department;  
 209 | amending s. 381.0098, F.S.; deleting legislative  
 210 | intent; amending s. 381.0101, F.S.; deleting  
 211 | legislative intent; deleting definitions; providing  
 212 | for the Bureau Chief for Environmental Health to serve  
 213 | on an environmental health professionals advisory  
 214 | board; repealing s. 381.0201, F.S.; eliminating the  
 215 | requirement that the Department provide technical and  
 216 | support services to county health departments;  
 217 | amending s. 381.0203, F.S.; eliminating the regulation  
 218 | of drugs, cosmetics, and household products under  
 219 | chapter 499 from pharmacy services program;  
 220 | eliminating the contraception distribution program at  
 221 | county health departments; amending s. 381.0261, F.S.;  
 222 | requiring the Agency for Health Care Administration to  
 223 | publish a summary of the Florida Patient's Bill of  
 224 | Rights and Responsibilities on its internet website;



PCS for HB 1263

ORIGINAL

YEAR

225 deleting the requirement that the Agency for Health  
 226 Care Administration print and make available to  
 227 certain medical professionals a summary of the Florida  
 228 Patient's Bill of Rights and Responsibilities;  
 229 amending s. 381.0301, F.S.; deleting reference to the  
 230 Centers for Disease Control and Prevention, the State  
 231 University System, Florida medical schools, and the  
 232 College of Public Health of the University of South  
 233 Florida; deleting the requirement that the College of  
 234 Public Health be consulted by state officials in the  
 235 management of public health; repealing s. 381.0302,  
 236 F.S.; eliminating the Florida Health Services Corps;  
 237 amending s. 381.0303, F.S.; eliminating the  
 238 requirement that the Special Needs Shelter Interagency  
 239 Committee submit recommendations to the Legislature;  
 240 repealing s. 381.04015, F.S.; eliminating the Women's  
 241 Health Strategy Office and Officer of Women's Health  
 242 Strategy; repealing s. 381.0402, F.S.; eliminating the  
 243 Area Health Education Center network; amending s.  
 244 381.0403, F.S.; deleting legislative findings and  
 245 legislative intent; revising the mission of the  
 246 program; requiring minimum funding for graduate  
 247 education in family practice; deleting reference to an  
 248 intent to establish a statewide graduate medical  
 249 education program; amending s. 381.0405, F.S.;

250 deleting appropriation to the Office of Rural Health;  
 251 amending s. 381.0406, F.S.; deleting unnecessary  
 252 introductory language; repealing s. 381.0407, F.S.; on

PCS for HB 1263

ORIGINAL

YEAR

253 | October 1, 2014, eliminating the mandatory payment of  
 254 | claims from public health care providers and county  
 255 | health departments by managed care plans; repealing s.  
 256 | 381.045, F.S.; eliminating Department authority to  
 257 | provide services to certain health care providers  
 258 | infected with Hepatitis B or HIV; amending s.  
 259 | 381.06015, F.S.; deleting requirement that the  
 260 | Department, the Agency for Health Care Administration,  
 261 | and private consortium members seeking private or  
 262 | federal funds to initiate actions of the Public Cord  
 263 | Blood Tissue Bank in FY 2000-2001; repealing s.  
 264 | 381.0605, F.S.; deleting designation of the Agency for  
 265 | Health Care Administration as the state agency to  
 266 | administer the Federal Hospital and Medical Facilities  
 267 | Amendments of 1964; eliminating authority of the  
 268 | Governor to provide for administration of the  
 269 | Amendments; repealing s. 381.102, F.S.; eliminating  
 270 | the community health pilot projects; repealing s.  
 271 | 381.103, F.S.; eliminating the duties of the  
 272 | Department to assist the community health pilot  
 273 | projects; repealing s. 381.60225, F.S.; eliminating  
 274 | background screening requirements for applicants for  
 275 | certification; repealing s. 381.732, F.S.; deleting a  
 276 | title; repealing s. 381.733, F.S.; deleting  
 277 | definitions; repealing s. 381.734, F.S.; eliminating  
 278 | the Healthy Communities, Healthy People Program;  
 279 | amending s. 381.7352, F.S.; deleting legislative  
 280 | findings; amending s. 381.7353, F.S.; removing the

PCS for HB 1263

ORIGINAL

YEAR

281 authority of the State Surgeon General to appoint an  
 282 ad hoc committee to study certain aspects of racial  
 283 and ethnic health outcome disparities and make  
 284 recommendations; amending s. 381.7356, F.S.; deleting  
 285 a provision requiring dissemination of grant awards to  
 286 begin on a date certain; amending s. 381.765, F.S.;

287 repealing unused rulemaking authority; repealing s.  
 288 381.77, F.S.; eliminating the annual survey of nursing  
 289 home residents age 55 and under; repealing s. 381.795,  
 290 F.S.; eliminating the requirement that the Department  
 291 establish a program of long-term community-based  
 292 supports and services for individuals with traumatic  
 293 brain or spinal cord injuries; amending s. 381.853,  
 294 F.S.; deleting legislative findings; repealing s.  
 295 381.855, F.S., which established the Florida Center  
 296 for Universal Research to Eradicate Disease; repealing  
 297 s. 381.87, F.S.; eliminating the osteoporosis  
 298 prevention and education program; repealing s.  
 299 381.895, F.S., which established standards for  
 300 compressed air used for recreational diving;  
 301 repealing s. 381.90, F.S.; eliminating the Health  
 302 Information Systems Council; amending s. 381.91, F.S.;

303 deleting legislative intent; amending 381.922, F.S.;

304 conforming a cross reference; repealing s. 385.210,  
 305 F.S., which created the Arthritis Prevention and  
 306 Education Act; amending s. 391.016, F.S., clarifying  
 307 the purposes and functions of the Children's Medical  
 308 Services program; requiring the coordination and

PCS for HB 1263

ORIGINAL

YEAR

309 maintenance of a medical home for participating  
 310 children; requiring the establishment and maintenance  
 311 of a provider service network for children with  
 312 special health care needs and other eligible children;  
 313 amending s. 391.021, F.S.; revising definitions;  
 314 amending s. 391.025, F.S.; revising the components of  
 315 the Children's Medical Services program; amending s.  
 316 391.026, F.S.; revising the powers and duties of the  
 317 Department in administering the Children's Medical  
 318 Services network; amending s. 391.028, F.S.;  
 319 eliminating the central office and area offices of the  
 320 Children's Medical Services program; authorizing the  
 321 Director to appoint necessary staff and contract with  
 322 providers to establish a decentralized operations  
 323 system to provide certain program activities on a  
 324 statewide basis; establishing criteria for contracting  
 325 for statewide operation of program activities;  
 326 requiring concurrence of the Governor and State  
 327 Surgeon General; requiring competitive procurement;  
 328 establishing criteria for a provider service network  
 329 to be considered a qualified contractor; amending s.  
 330 391.029, F.S.; clarifying eligibility for services  
 331 under the Children's Medical Services program;  
 332 clarifying who may receive services under the program;  
 333 deleting requirement that the Department determine  
 334 financial and medical eligibility for program;  
 335 deleting requirement that the Department determine the  
 336 financial ability of parents to pay for services;

PCS for HB 1263

ORIGINAL

YEAR

337 | eliminating discretion of the Department to pay  
 338 | reasonable travel expenses; amending s. 391.0315,  
 339 | F.S.; deleting prohibition against a child eligible  
 340 | under Title XIX or XXI of the Social Security Act from  
 341 | receiving services under the program until the child  
 342 | is enrolled in Medicaid or a Title XXI program;  
 343 | amending s. 392.51, F.S.; removing legislative  
 344 | findings and intent; amending s. 392.61, F.S.;  
 345 | eliminating the requirement that the Department  
 346 | develop a methodology for distributing funds  
 347 | appropriated for community tuberculosis control  
 348 | programs; amending s. 392.62, F.S.; requiring a  
 349 | contractor to use licensed community hospitals and  
 350 | other facilities; removing authority of the Department  
 351 | to operate a licensed hospital to treat tuberculosis  
 352 | patients; requiring the tuberculosis control program  
 353 | to fund participating facilities; requiring facilities  
 354 | to meet specific conditions; creating an unnumbered  
 355 | section of law; requiring a transition plan for the  
 356 | closure of A.G. Holley State Hospital; specifying  
 357 | content of transition plan; requiring submission of  
 358 | the plan to Governor, President of the Senate, and  
 359 | Speaker of the House of Representative; requiring full  
 360 | implementation of the transition plan by a certain  
 361 | date; amending s. 401.243, F.S.; repealing unused  
 362 | rulemaking authority; amending s. 401.245, F.S.;  
 363 | repealing unused rulemaking authority; amending s.  
 364 | 401.271, F.S.; repealing unused rulemaking authority;

PCS for HB 1263

ORIGINAL

YEAR

365 | amending s. 402.45, F.S.; repealing unused rulemaking  
 366 | authority; amending s. 403.863, F.S.; directing the  
 367 | Department to contract with the American Environmental  
 368 | Laboratory Association to perform state public water  
 369 | supply laboratory certification application review and  
 370 | evaluation and inspection; adding certain actions to  
 371 | the list of acts constituting grounds for which  
 372 | disciplinary actions may be taken under the section;  
 373 | amending s. 400.914, F.S.; making conforming changes;  
 374 | s. 409.256, F.S.; making conforming changes; repealing  
 375 | s. 458.346, F.S., which created the Public Sector  
 376 | Physician Advisory Committee; amending s. 462.19,  
 377 | F.S.; repealing unused rulemaking authority; repealing  
 378 | s. 464.0197, F.S.; eliminating state budget support  
 379 | for the Florida Center for Nursing; amending s.  
 380 | 464.208, F.S.; repealing unused rulemaking authority;  
 381 | amending s. 466.00775, F.S.; repealing unused  
 382 | rulemaking authority; amending s. 514.011, F.S.;  
 383 | revising a definition; amending s. 514.021, F.S.;  
 384 | restricting rule authority of the Department; limiting  
 385 | scope of standards for public pools and public bathing  
 386 | places; prohibiting the Department from adopting by  
 387 | rule any regulation regarding the design, alteration  
 388 | or repair of a public pool or public bathing;  
 389 | eliminating authority of the Department to review  
 390 | plans, issue approvals, and enforce occupancy  
 391 | provisions of the Florida Building Code; amending s.  
 392 | 514.023, F.S.; adding public bathing places to the

PCS for HB 1263

ORIGINAL

YEAR

393 provisions allowing sampling of beach waters to  
 394 determine water quality and allowing health advisories  
 395 to be issued for elevated levels of bacteria in water;  
 396 amending s. 514.025, F.S.; requiring county health  
 397 departments to review applications and plans for  
 398 construction or placement of public pools or bathing  
 399 places; providing for the Department to review  
 400 applications and plans if no qualified staff are  
 401 employed at the county health department; confirming  
 402 that county health departments are responsible to  
 403 monitor water quality in public pools and bathing  
 404 places; amending s. 514.03, F.S.; permitting local  
 405 government or enforcement districts to determine  
 406 compliance with general construction provisions of the  
 407 Florida Building Code; permitting local government or  
 408 enforcement districts to conduct plan reviews and  
 409 inspections of public pools and bathing places to  
 410 determine compliance; eliminating application process  
 411 for review of building plans for public pool or  
 412 bathing place by the Department; amending s. 514.031,  
 413 F.S.; requiring a valid permit from the county health  
 414 department to operate a public pool; revising list of  
 415 documents that must accompany an application for  
 416 permit to operate a public pool; providing the county  
 417 health department with authority to review, approve,  
 418 and deny application for permit to operate a public  
 419 pool; amending s. 514.033, F.S.; deleting authority of  
 420 the Department to establish a fee schedule; requiring

PCS for HB 1263

ORIGINAL

YEAR

421 fees collected by the Department or county health  
 422 department to be deposited into the County Health  
 423 Department Trust Fund; amending s. 514.05, F.S.;  
 424 requiring all amounts collected to be deposited in the  
 425 County Health Department Trust Fund; granting the  
 426 county health department the authority to close a  
 427 public pool that is not in compliance with chapter  
 428 514, F.S., or applicable rules; amending s. 514.06,  
 429 F.S.; deeming a public pool or bathing place to  
 430 present a significant risk to public health by failing  
 431 to meet water quality and safety to be a public  
 432 nuisance; allowing for a public nuisance to be abated  
 433 or enjoined; amending s. 633.115, F.S.; making  
 434 conforming changes; amending s. 1009.66, F.S.;  
 435 reassigning responsibility for the Nursing Student  
 436 Loan Forgiveness Program from the Department to the  
 437 Department of Education; amending s. 1009.67, F.S.;  
 438 reassigning responsibility for the nursing scholarship  
 439 program from the Department to the Department of  
 440 Education; creating an unnumbered section of law;  
 441 providing type two transfers of the programs;  
 442 providing for transfer of a trust fund; providing  
 443 applicability to contracts; authorizing transfer of  
 444 funds and positions between departments; creating an  
 445 unnumbered section of law; providing a directive to  
 446 the Division of Statutory Revision to assist  
 447 substantive committees to prepare conforming  
 448 legislation; creating an unnumbered section of law;



PCS for HB 1263

ORIGINAL

YEAR

449 requiring the Department to create a plan to improve  
 450 efficiency of the function of the Division of Medical  
 451 Quality and Assurance; directing the Department to  
 452 take certain actions in creating the plan; directing  
 453 the Department to address particular topics in the  
 454 plan; requiring all executive branch agencies to  
 455 assist the Department in creating the plan; requesting  
 456 all other state agencies to assist the Department in  
 457 creating the plan; conforming cross-references;  
 458 providing effective dates.

459  
 460 Be It Enacted by the Legislature of the State of Florida:

461  
 462 Section 1. Subsections (1), (2), and (3) of section 20.43,  
 463 Florida Statutes, are amended to read:

464 20.43 Department of Health.—There is created a Department  
 465 of Health.

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

471 (a) Identify, diagnose, and conduct surveillance of  
 472 diseases and health conditions in the state, accumulating health  
 473 statistics necessary to establish trends ~~Prevent to the fullest~~  
 474 ~~extent possible, the occurrence and progression of communicable~~  
 475 ~~and noncommunicable diseases and disabilities.~~

476 (b) Implement interventions that prevent or limit the

PCS for HB 1263

ORIGINAL

YEAR

477 impact or spread of diseases and health conditions ~~Maintain a~~  
 478 ~~constant surveillance of disease occurrence and accumulate~~  
 479 ~~health statistics necessary to establish disease trends and to~~  
 480 ~~design health programs.~~

481 (c) Collect, manage, and analyze vital statistics and  
 482 other health data to inform the public and formulate public  
 483 health policy and planning ~~Conduct special studies of the causes~~  
 484 ~~of diseases and formulate preventive strategies.~~

485 (d) Maintain and coordinate preparedness for and responses  
 486 to public health emergencies in the state ~~Promote the~~  
 487 ~~maintenance and improvement of the environment as it affects~~  
 488 ~~public health.~~

489 (e) Provide or ensure the provision of quality health and  
 490 related services to identified populations in the state ~~Promote~~  
 491 ~~the maintenance and improvement of health in the residents of~~  
 492 ~~the state.~~

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

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

502 (h) ~~Provide services to abused and neglected children~~  
 503 ~~through child protection teams and sexual abuse treatment~~  
 504 ~~programs.~~

PCS for HB 1263

ORIGINAL

YEAR

505 ~~(i) Develop working associations with all agencies and~~  
 506 ~~organizations involved and interested in health and health care~~  
 507 ~~delivery.~~

508 ~~(j) Analyze trends in the evolution of health systems, and~~  
 509 ~~identify and promote the use of innovative, cost-effective~~  
 510 ~~health delivery systems.~~

511 ~~(k) Serve as the statewide repository of all aggregate~~  
 512 ~~data accumulated by state agencies related to health care;~~  
 513 ~~analyze that data and issue periodic reports and policy~~  
 514 ~~statements, as appropriate; require that all aggregated data be~~  
 515 ~~kept in a manner that promotes easy utilization by the public,~~  
 516 ~~state agencies, and all other interested parties; provide~~  
 517 ~~technical assistance as required; and work cooperatively with~~  
 518 ~~the state's higher education programs to promote further study~~  
 519 ~~and analysis of health care systems and health care outcomes.~~

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

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

528 (2)(a) The head of the Department of Health is the State  
 529 Surgeon General and State Health Officer. The State Surgeon  
 530 General must be a physician licensed under chapter 458 or  
 531 chapter 459 who has advanced training or extensive experience in  
 532 public health administration. The State Surgeon General is

PCS for HB 1263

ORIGINAL

YEAR

533 appointed by the Governor subject to confirmation by the Senate.  
 534 The State Surgeon General serves at the pleasure of the  
 535 Governor. ~~The State Surgeon General shall serve as the leading~~  
 536 ~~voice on wellness and disease prevention efforts, including the~~  
 537 ~~promotion of healthful lifestyles, immunization practices,~~  
 538 ~~health literacy, and the assessment and promotion of the~~  
 539 ~~physician and health care workforce in order to meet the health~~  
 540 ~~care needs of the state. The State Surgeon General shall focus~~  
 541 ~~on advocating healthy lifestyles, developing public health~~  
 542 ~~policy, and building collaborative partnerships with schools,~~  
 543 ~~businesses, health care practitioners, community-based~~  
 544 ~~organizations, and public and private institutions in order to~~  
 545 ~~promote health literacy and optimum quality of life for all~~  
 546 ~~Floridians.~~

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

550 (3) The following divisions of the Department of Health  
 551 are established:

552 (a) Division of Administration.

553 (b) Division of Emergency Preparedness and Community  
 554 Support ~~Environmental Health.~~

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

556 (d) Division of Community Health Promotion ~~Family Health~~  
 557 ~~Services.~~

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

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

PCS for HB 1263

ORIGINAL

YEAR

561 (g) Division of Medical Quality Assurance, which is  
 562 responsible for the following boards and professions established  
 563 within the division:

- 564 1. The Board of Acupuncture, created under chapter 457.
- 565 2. The Board of Medicine, created under chapter 458.
- 566 3. The Board of Osteopathic Medicine, created under  
 567 chapter 459.
- 568 4. The Board of Chiropractic Medicine, created under  
 569 chapter 460.
- 570 5. The Board of Podiatric Medicine, created under chapter  
 571 461.
- 572 6. Naturopathy, as provided under chapter 462.
- 573 7. The Board of Optometry, created under chapter 463.
- 574 8. The Board of Nursing, created under part I of chapter  
 575 464.
- 576 9. Nursing assistants, as provided under part II of  
 577 chapter 464.
- 578 10. The Board of Pharmacy, created under chapter 465.
- 579 11. The Board of Dentistry, created under chapter 466.
- 580 12. Midwifery, as provided under chapter 467.
- 581 13. The Board of Speech-Language Pathology and Audiology,  
 582 created under part I of chapter 468.
- 583 14. The Board of Nursing Home Administrators, created  
 584 under part II of chapter 468.
- 585 15. The Board of Occupational Therapy, created under part  
 586 III of chapter 468.
- 587 16. Respiratory therapy, as provided under part V of  
 588 chapter 468.

PCS for HB 1263

ORIGINAL

YEAR

- 589 17. Dietetics and nutrition practice, as provided under  
 590 part X of chapter 468.
- 591 18. The Board of Athletic Training, created under part  
 592 XIII of chapter 468.
- 593 19. The Board of Orthotists and Prosthetists, created  
 594 under part XIV of chapter 468.
- 595 20. Electrolysis, as provided under chapter 478.
- 596 21. The Board of Massage Therapy, created under chapter  
 597 480.
- 598 22. The Board of Clinical Laboratory Personnel, created  
 599 under part III of chapter 483.
- 600 23. Medical physicists, as provided under part IV of  
 601 chapter 483.
- 602 24. The Board of Opticianry, created under part I of  
 603 chapter 484.
- 604 25. The Board of Hearing Aid Specialists, created under  
 605 part II of chapter 484.
- 606 26. The Board of Physical Therapy Practice, created under  
 607 chapter 486.
- 608 27. The Board of Psychology, created under chapter 490.
- 609 28. School psychologists, as provided under chapter 490.
- 610 29. The Board of Clinical Social Work, Marriage and Family  
 611 Therapy, and Mental Health Counseling, created under chapter  
 612 491.
- 613 30. Emergency medical technicians and paramedics, as  
 614 provided under part III of chapter 401.
- 615 ~~(h) Division of Children's Medical Services Prevention and~~  
 616 ~~Intervention.~~

PCS for HB 1263

ORIGINAL

YEAR

617 ~~(i) Division of Information Technology.~~  
 618 ~~(j) Division of Health Access and Tobacco.~~  
 619 (h)~~(k)~~ Division of Disability Determinations.  
 620 Section 2. Subsections (13), and (17) of section 20.435,  
 621 Florida Statutes, are amended to read:  
 622 20.435 Department of Health; trust funds.—The following  
 623 trust funds shall be administered by the Department of Health:  
 624 ~~(13) Florida Drug, Device, and Cosmetic Trust Fund.~~  
 625 ~~(a) Funds to be credited to and uses of the trust fund~~  
 626 ~~shall be administered in accordance with the provisions of~~  
 627 ~~chapter 499.~~  
 628 ~~(b) Notwithstanding the provisions of s. 216.301 and~~  
 629 ~~pursuant to s. 216.351, any balance in the trust fund at the end~~  
 630 ~~of any fiscal year shall remain in the trust fund at the end of~~  
 631 ~~the year and shall be available for carrying out the purposes of~~  
 632 ~~the trust fund.~~  
 633 ~~(17) Nursing Student Loan Forgiveness Trust Fund.~~  
 634 ~~(a) Funds to be credited to and uses of the trust fund~~  
 635 ~~shall be administered in accordance with the provisions of s.~~  
 636 ~~1009.66.~~  
 637 ~~(b) Notwithstanding the provisions of s. 216.301 and~~  
 638 ~~pursuant to s. 216.351, any balance in the trust fund at the end~~  
 639 ~~of any fiscal year shall remain in the trust fund at the end of~~  
 640 ~~the year and shall be available for carrying out the purposes of~~  
 641 ~~the trust fund.~~  
 642 Section 3. Section 154.001, Florida Statutes, is amended  
 643 to read:  
 644 154.001 Decentralized public health system; centralized

PCS for HB 1263

ORIGINAL

YEAR

645 statewide public health services.~~System of coordinated county~~  
 646 ~~health department services; legislative intent.-~~

647 (1) Florida's public health system shall be a  
 648 decentralized, county-based system that ~~It is the intent of the~~  
 649 ~~Legislature to~~ promotes, protects, maintains, and improves the  
 650 health and safety of all citizens and visitors of this state.  
 651 State block grants will be allocated on a per capita basis and  
 652 provided to counties to support public health functions pursuant  
 653 to s. 154.01. Centralized state services shall be limited to  
 654 those public health functions that provide measurable  
 655 improvements in efficiency, outcome, or cost-effectiveness when  
 656 delivered through a unified, statewide operation. Locally  
 657 defined public health needs and priorities of each county shall  
 658 be specified in an annual contract between the state and each  
 659 county. Counties shall be responsible for determining the most  
 660 appropriate methods and manner of meeting local public health  
 661 needs. ~~through a system of coordinated county health department~~  
 662 ~~services. The Legislature recognizes the unique partnership~~  
 663 ~~which necessarily exists between the state and its counties in~~  
 664 ~~meeting the public health needs of the state. To strengthen this~~  
 665 ~~partnership, the Legislature intends that the public health~~  
 666 ~~needs of the several counties be provided through contractual~~  
 667 ~~arrangements between the state and each county. The Legislature~~  
 668 ~~also recognizes the importance of meeting the educational needs~~  
 669 ~~of Florida's public health professionals.~~

670 (2) The Department of Health is directly responsible for  
 671 the functions specified in this section, but may delegate  
 672 particular roles and responsibilities or utilize outside



PCS for HB 1263

ORIGINAL

YEAR

673 contractors, as appropriate, in order to implement various  
 674 program and service activities.  
 675 (a) Laboratory services pursuant to s. 381.0202;  
 676 (b) Pharmacy services pursuant to s. 381.0203;  
 677 (c) Vital statistics pursuant to Chapter 382;  
 678 (d) Children's medical services pursuant to Chapter 391;  
 679 (e) Regional perinatal intensive care centers pursuant to  
 680 ss. 383.17-383.19;  
 681 (f) Child abuse death reviews pursuant to s. 383.402;  
 682 (g) Establishment of statewide standards necessary for  
 683 environmental health pursuant to s. 381.006;  
 684 (h) Establishment of statewide standards for food service  
 685 protection pursuant to s. 381.0072;  
 686 (i) Comprehensive Statewide Tobacco Education and Use  
 687 Prevention Program pursuant to s. 381.84;  
 688 (j) Office of Rural Health pursuant to 381.0405;  
 689 (k) Emergency medical services pursuant to Chapters 395  
 690 and 401;  
 691 (l) Migrant camps pursuant to s. 381.008-381.00897;  
 692 (m) Medical quality assurance pursuant to s. 20.43(3)(g);  
 693 (n) Biomedical research pursuant to s. 381.855 and  
 694 s.381.922;  
 695 (o) Tuberculosis control pursuant to s. 392.62; and  
 696 (p) Emergency preparedness and disaster response pursuant  
 697 to ss. 381.0303, 401.24, and chapter 252.  
 698 Section 4. Effective July 1, 2013, section 154.01, Florida  
 699 Statutes, is amended to read:  
 700 154.01 County health department delivery system.—

PCS for HB 1263

ORIGINAL

YEAR

701           (1) ~~The purposes of several counties of the state may~~  
 702 ~~cooperate with the Department of Health in the establishment and~~  
 703 ~~maintenance of full-time county health departments in such~~  
 704 ~~counties for~~ shall include the promotion of the public's health,  
 705 the control and eradication of preventable diseases, and the  
 706 provision of primary health care for special populations.

707           (2) The department shall contract with each of the 67  
 708 counties or with multiple counties joined through interlocal  
 709 agreement to establish and maintain county health departments  
 710 serving each county. ~~A functional system of eCounty health~~  
 711 department services shall be defined in contract and established  
 712 with such resources as are available from federal, state, local,  
 713 or private sources to provide ~~which shall include~~ the following  
 714 ~~three levels~~ categories of services ~~and be funded as follows:~~

715           (a) "Environmental health services" are those services  
 716 which are organized and operated to protect the health of the  
 717 general public by monitoring and regulating activities in the  
 718 environment which may contribute to the occurrence or  
 719 transmission of disease. Examples of eEnvironmental health  
 720 ~~services shall be supported by available federal, state, and~~  
 721 ~~local funds and shall include those services mandated on a state~~  
 722 ~~or federal level. Examples of environmental health services~~  
 723 ~~include, but are not limited to,~~ food hygiene, safe drinking  
 724 water supply, sewage and solid waste disposal, swimming pools,  
 725 group care facilities, migrant labor camps, toxic material  
 726 control, radiological health, occupational health, and  
 727 entomology.

728           (b) "Communicable disease control services" are those

PCS for HB 1263

ORIGINAL

YEAR

729 services which protect the health of the general public through  
 730 the detection, control, and eradication of diseases which are  
 731 transmitted primarily by human beings. Examples of cCommunicable  
 732 disease services shall be supported by available federal, state,  
 733 and local funds and shall include those services mandated on a  
 734 state or federal level. Such services include, but are not  
 735 limited to, epidemiology, sexually transmissible disease  
 736 detection and control, immunization, tuberculosis control, and  
 737 maintenance of vital statistics.

738 (c) "Primary care services" are acute care and preventive  
 739 services that are made available to well and sick persons who  
 740 are unable to obtain such services due to lack of income or  
 741 other barriers beyond their control. ~~These services are provided~~  
 742 ~~to benefit individuals, improve the collective health of the~~  
 743 ~~public, and prevent and control the spread of disease. Primary~~  
 744 ~~health care services are provided at home, in group settings, or~~  
 745 ~~in clinics. These services shall be supported by available~~  
 746 ~~federal, state, and local funds and shall include services~~  
 747 ~~mandated on a state or federal level. Examples of primary health~~  
 748 ~~care services include, but are not limited to: first contact~~  
 749 ~~acute care services; chronic disease detection and treatment;~~  
 750 ~~maternal and child health services; family planning; nutrition;~~  
 751 ~~school health; supplemental food assistance for women, infants,~~  
 752 ~~and children; home health; and dental services.~~

753 (3) ~~The Department of Health shall enter into contracts~~  
 754 ~~with the several counties for the purposes of this part. All~~To  
 755 be eligible for state block grants, county public health  
 756 contracts shall be ~~negotiated and~~ approved by the boards of

PCS for HB 1263

ORIGINAL

YEAR

757 county commissioners or other appropriate local governing bodies  
 758 ~~on behalf of the department. In accordance with federal~~  
 759 ~~guidelines, the state may utilize federal funds for county~~  
 760 ~~health department services. A standard contract format shall be~~  
 761 ~~developed and used by the department in contract negotiations.~~  
 762 The contract shall include the three categories~~levels~~ of county  
 763 health department services outlined in subsection (2) above and  
 764 shall contain a section which stipulates, for the contract year:  
 765 (a) All revenue sources, including federal, state, and  
 766 local general revenue, fees, and other cash contributions, which  
 767 shall be used by the county health department for county health  
 768 department services;  
 769 (b) The types of services to be provided in each  
 770 category~~level~~ of service;  
 771 (c) The estimated number of clients, where applicable, who  
 772 will be served, by type of service;  
 773 (d) The estimated number of services, where applicable,  
 774 that will be provided, by type of service;  
 775 (e) The estimated number of staff positions (full-time  
 776 equivalent positions) who will work in each type of service  
 777 area; and  
 778 (f) The estimated expenditures for each type of service  
 779 and for each level of service.  
 780  
 781 The contract shall also provide for financial and service  
 782 reporting for each type of service according to standard service  
 783 and reporting procedures established by the department.  
 784 (4) The facilities and equipment available for use ~~and~~

PCS for HB 1263

ORIGINAL

YEAR

785 ~~maintenance of by a county health department facilities and~~  
 786 ~~equipment shall be determined by each county, subject to the~~  
 787 ~~provisions of the contract between the Department of Health and~~  
 788 ~~the each county. However, the counties may retain ownership of~~  
 789 ~~such facilities and equipment and the right to use such~~  
 790 ~~facilities and equipment as the need arises, to the extent that~~  
 791 ~~such use would not impose an unwarranted interference with the~~  
 792 ~~operation of the county health department pursuant to the~~  
 793 ~~provisions of the contract. In all cases, such facilities shall~~  
 794 ~~be used primarily for purposes related to public health.~~  
 795 Ownership of county health department facilities and equipment  
 796 may be relinquished by a county to the Department of Health by  
 797 mutual consent of the parties in the contract.

798 (5) To assist counties to ~~In order to provide for the~~  
 799 ~~effective delivery of health services, in keeping with expanding~~  
 800 ~~needs or modernization, the Legislature may authorize funding~~  
 801 ~~for construction or expansion projects to county health~~  
 802 ~~departments or other nonprofit primary health care providers who~~  
 803 ~~are under contract with the department. The department shall~~  
 804 ~~submit to the Legislature a list of construction or expansion~~  
 805 ~~needs arranged in a recommended order of priority to the~~  
 806 ~~Legislature in conjunction with each annual budget request. The~~  
 807 ~~report of construction or expansion needs shall specify the~~  
 808 ~~following information. The priority list shall be based on the~~  
 809 ~~following criteria:~~

810 (a) The current capacity of the county health department  
 811 facilities and the number of patients served in the most recent  
 812 year for which data is available ~~The capacity of the health~~

PCS for HB 1263

ORIGINAL

YEAR

813 ~~facility to efficiently provide the full set of authorized~~  
 814 ~~services for the number of patients who can be served with~~  
 815 ~~available funds;~~

816 (b) The capacity of the health facility to meet the  
 817 anticipated growth in demand for service over the next 10 years;  
 818 and

819 (c) The adequacy of the facility to ensure patient and  
 820 staff safety, provide privacy during eligibility determination  
 821 and examination, and enable an efficient movement of patients  
 822 through service areas.

823 (6) (a) The department shall include the estimated cost of  
 824 the construction or renovation of each county health department  
 825 on the list. This cost must be based on a professional  
 826 assessment of the square footage needed to meet the demand for  
 827 service and the prevailing cost of construction in the county in  
 828 which the county health department is to be built, including the  
 829 cost of land, the cost for obtaining necessary permits, and the  
 830 cost of outfitting the facility. Funds appropriated for  
 831 construction and renovation of a county health department  
 832 facility may only be released by the department if the board of  
 833 county commissioners of the county for which funds have been  
 834 appropriated agrees that any county health department facility  
 835 which is constructed or renovated, in whole or in part, with  
 836 funds appropriated under this section will be used only for  
 837 county health department services, unless otherwise authorized  
 838 by the department, that the county will not charge rent for use  
 839 of the facility by the county health department, and that the  
 840 county will not attempt to sell such facility without the

PCS for HB 1263

ORIGINAL

YEAR

841 concurrence of the department.

842 (b) Any dispute arising under this subsection shall be  
843 resolved pursuant to chapter 120.

844

845 Funds appropriated by the Legislature for county health  
846 department construction or expansion projects shall be accounted  
847 for separately in the County Health Department Trust Fund from  
848 revenues appropriated for county health department services and  
849 under the terms and conditions established by the Legislature.

850 Section 5. Effective July 1, 2013, section 154.03, Florida  
851 Statutes, is repealed.

852 Section 6. Section 154.04, Florida Statutes, is amended to  
853 read:

854 154.04 Personnel of county health departments; duties;  
855 compensation.—

856 (1) (a) The personnel of a ~~minimum~~ county health department  
857 shall consist, at a minimum, of a county health department  
858 director or administrator and a full-time public health nurse, a  
859 public health environmental specialist, and a clerk. ~~All such~~  
860 ~~personnel shall be selected from those especially trained in~~  
861 ~~public health administration and practice, so far as the same~~  
862 ~~shall relate to the duties of their respective positions.~~

863 (b) The county health department director shall be a  
864 physician licensed under chapter 458 or chapter 459 who is  
865 trained in public health administration and shall be appointed  
866 by ~~the State Surgeon General after the concurrence of the boards~~  
867 of county commissioners of the respective counties. A county  
868 health department administrator trained in public health

PCS for HB 1263

ORIGINAL

YEAR

869 administration may be appointed by ~~the State Surgeon General~~  
 870 ~~after the concurrence of~~ the boards of county commissioners of  
 871 the respective counties.

872 (c)1. Licensed health professionals working in a county  
 873 health department are authorized to function within the scope of  
 874 their individual licenses and under medical protocols  
 875 established in accordance with paragraph 2.~~A registered nurse or~~  
 876 ~~licensed physician assistant working in a county health~~  
 877 ~~department is authorized to assess a patient and order~~  
 878 ~~medications, provided that:~~

879 ~~— a. No licensed physician is on the premises;~~

880 ~~— b. The patient is assessed and medication ordered in~~  
 881 ~~accordance with rules promulgated by the department and pursuant~~  
 882 ~~to a protocol approved by a physician who supervises the patient~~  
 883 ~~care activities of the registered nurse or licensed physician~~  
 884 ~~assistant;~~

885 ~~— c. The patient is being assessed by the registered nurse~~  
 886 ~~or licensed physician assistant as a part of a program approved~~  
 887 ~~by the department; and~~

888 ~~— d. The medication ordered appears on a formulary approved~~  
 889 ~~by the department and is prepackaged and prelabeled with dosage~~  
 890 ~~instructions and distributed from a source authorized under~~  
 891 ~~chapter 499 to repackage and distribute drugs, which source is~~  
 892 ~~under the supervision of a consultant pharmacist employed by the~~  
 893 ~~department.~~

894 2. Each county health department shall adopt written  
 895 protocols which provide for supervision of the registered nurse  
 896 or licensed physician assistant by a physician licensed pursuant



PCS for HB 1263

ORIGINAL

YEAR

897 | to chapter 458 or chapter 459 and for the procedures by which  
 898 | patients may be assessed, and medications ordered and delivered,  
 899 | by the registered nurse or licensed physician assistant. Such  
 900 | protocols shall be signed by the supervising physician, the  
 901 | director of the county health department, and the registered  
 902 | nurse or licensed physician assistant.

903 |         3. Each county health department shall maintain and have  
 904 | available for inspection by representatives of the Department of  
 905 | Health all medical records and patient care protocols, including  
 906 | records of medications delivered to patients, in accordance with  
 907 | rules of the department.

908 |         ~~4. The Department of Health shall adopt rules which~~  
 909 | ~~establish the conditions under which a registered nurse or~~  
 910 | ~~licensed physician assistant may assess patients and order and~~  
 911 | ~~deliver medications, based upon written protocols of supervision~~  
 912 | ~~by a physician licensed pursuant to chapter 458 or chapter 459,~~  
 913 | ~~and which establish the formulary from which medications may be~~  
 914 | ~~ordered.~~

915 |         ~~5. The department shall require that a consultant~~  
 916 | ~~pharmacist conduct a periodic inspection of each county health~~  
 917 | ~~department in meeting the requirements of this paragraph.~~

918 |         46. A county health department shallmay establish or  
 919 | contract with peer review committees or organizations to review  
 920 | the quality of communicable disease control and primary care  
 921 | services provided by the county health department.

922 |         (2) The personnel of the county health department shall be  
 923 | employed by each respective county and subject to the personnel  
 924 | rules and policies of that county.~~by the Department of Health.~~

PCS for HB 1263

ORIGINAL

YEAR

925 ~~The compensation of such personnel shall be determined under the~~  
 926 ~~rules of the Department of Management Services. Such employees~~  
 927 ~~shall engage in the prevention of disease and the promotion of~~  
 928 ~~health under the supervision of the Department of Health.~~

929 Section 7. Effective July 1, 2013, section 154.05, Florida  
 930 Statutes, is amended to read:

931 154.05 Cooperation and agreements between counties.—Two or  
 932 more counties may combine for the operation of a in the  
 933 establishment and maintenance of a single full-time county  
 934 health department when such counties establish an interlocal  
 935 agreement. Such an agreement shall specify the roles and  
 936 responsibilities of each county including the method of  
 937 governance and executive direction, the manner by which each  
 938 county's public health needs will be addressed, the inventory of  
 939 necessary facilities, equipment, personnel, and any other  
 940 infrastructure as may be needed. County interlocal agreements  
 941 may be terminated only at the end of a contract year. The  
 942 parties shall give written notice to the department no less than  
 943 90 days prior to the termination.~~for the counties which combine~~  
 944 ~~for that purpose; and, pursuant to such combination or~~  
 945 ~~agreement, such counties may cooperate with one another and the~~  
 946 ~~Department of Health and contribute to a joint fund in carrying~~  
 947 ~~out the purpose and intent of this chapter. The duration and~~  
 948 ~~nature of such agreement shall be evidenced by resolutions of~~  
 949 ~~the boards of county commissioners of such counties and shall be~~  
 950 ~~submitted to and approved by the department. In the event of any~~  
 951 ~~such agreement, a full-time county health department shall be~~  
 952 ~~established and maintained by the department in and for the~~

PCS for HB 1263

ORIGINAL

YEAR

953 ~~benefit of the counties which have entered into such an~~  
 954 ~~agreement; and, in such case, the funds raised by taxation~~  
 955 ~~pursuant to this chapter by each such county shall be paid to~~  
 956 ~~the Chief Financial Officer for the account of the department~~  
 957 ~~and shall be known as the full-time county health department~~  
 958 ~~trust fund of the counties so cooperating. Such trust funds~~  
 959 ~~shall be used and expended by the department for the purposes~~  
 960 ~~specified in this chapter in each county which has entered into~~  
 961 ~~such agreement. In case such an agreement is entered into~~  
 962 ~~between two or more counties, the work contemplated by this~~  
 963 ~~chapter shall be done by a single full-time county health~~  
 964 ~~department in the counties so cooperating; and the nature,~~  
 965 ~~extent, and location of such work shall be under the control and~~  
 966 ~~direction of the department.~~

967 Section 8. Effective July 1, 2013, section 154.06, Florida  
 968 Statutes, is amended to read:

969 154.06 Fees and services rendered; authority.—

970 (1) Except for fees established by the department for  
 971 services pursuant to s. 154.002, ~~The Department of Health may~~  
 972 ~~establish by rule fee schedules for public health services~~  
 973 ~~rendered through the county health departments~~ shall be the  
 974 responsibility of each county and. ~~Such rules may include~~  
 975 ~~provisions for fee assessments, copayments, sliding fee scales,~~  
 976 ~~fee waivers, and fee exemptions. In addition, the department~~  
 977 ~~shall adopt by rule a uniform statewide fee schedule for all~~  
 978 ~~regulatory activities performed through the environmental health~~  
 979 ~~program. Each county may establish, and each county health~~  
 980 ~~department may collect, fees for primary care services, provided~~

PCS for HB 1263

ORIGINAL

YEAR

981 ~~that a schedule of such fees is established by resolution of the~~  
 982 ~~board of county commissioners or by rule of the department,~~  
 983 ~~respectively. Fees for primary care services and communicable~~  
 984 ~~disease control services may not be less than Medicaid~~  
 985 ~~reimbursement rates unless otherwise required by federal or~~  
 986 ~~state law or regulation.~~

987 (2) All funds collected under this section shall be  
 988 expended solely for the purpose of providing health services and  
 989 facilities within the county or counties served by the county  
 990 health department. ~~Fees collected by county health departments~~  
 991 ~~pursuant to department rules shall be deposited with the Chief~~  
 992 ~~Financial Officer and credited to the County Health Department~~  
 993 ~~Trust Fund. Fees collected by the county health department for~~  
 994 ~~public health services or personal health services shall be~~  
 995 ~~allocated to the state and the county based upon the pro rata~~  
 996 ~~share of funding for each such service. The board of county~~  
 997 ~~commissioners, if it has so contracted, shall provide for the~~  
 998 ~~transmittal of funds collected for its pro rata share of~~  
 999 ~~personal health services or primary care services rendered under~~  
 1000 ~~the provisions of this section to the State Treasury for credit~~  
 1001 ~~to the County Health Department Trust Fund, but in any event the~~  
 1002 ~~proceeds from such fees may only be used to fund county health~~  
 1003 ~~department services.~~

1004 (3) The foregoing provisions notwithstanding, any county  
 1005 which charges fees for any services delivered through county  
 1006 health departments prior to July 1, 1983, and which has pledged  
 1007 or committed the fees yet to be collected toward the retirement  
 1008 of outstanding obligations relating to county health department

PCS for HB 1263

ORIGINAL

YEAR

1009 facilities may be exempted from the provisions of subsection (1)  
 1010 until such commitment or obligation has been satisfied or  
 1011 discharged.

1012 Section 9. Effective July 1, 2013, section 154.067,  
 1013 Florida Statutes, is amended to read:

1014 154.067 Child abuse and neglect cases; duties.—~~The~~  
 1015 ~~Department of Health shall adopt a rule requiring e~~Every county  
 1016 health department, ~~as described in s. 154.01, to~~ shall adopt a  
 1017 protocol that, at a minimum, requires ~~the county health~~  
 1018 ~~department to:~~

1019 (1) ~~Incorporate in its health department policy a policy~~  
 1020 ~~that e~~Every staff member to acknowledge, in writing, has an  
 1021 affirmative duty to report, pursuant to chapter 39, any actual  
 1022 or suspected case of child abuse, abandonment, or neglect; and

1023 (2) ~~In any case involving suspected child abuse,~~  
 1024 ~~abandonment, or neglect, designate, at the request of the~~  
 1025 ~~department,~~ Designation of a staff physician to act as a liaison  
 1026 between the county health department and the Department of  
 1027 Children and Family Services and the child protection team  
 1028 regarding investigations of ~~office that is investigating the~~  
 1029 suspected abuse, abandonment, or neglect, ~~and the child~~  
 1030 ~~protection team,~~ as defined in s. 39.01, ~~when the case is~~  
 1031 ~~referred to such a team.~~

1032 Section 10. The Department of Health shall develop a  
 1033 transition plan to decentralize public health services and  
 1034 submit the plan to the Governor, the President of the Senate,  
 1035 and the Speaker of the House of Representatives no later than  
 1036 July 1, 2012. The plan shall include specific steps to transfer

PCS for HB 1263

ORIGINAL

YEAR

1037 duties, resources and personnel to county health departments;  
 1038 develop contracts with each county; communicate the process,  
 1039 timeline, and effect of the organizational changes to  
 1040 stakeholders and the general public; assess any fiscal impacts  
 1041 of the transition; and provide monthly reports on transition  
 1042 activities to the Legislature until full implementation on July  
 1043 1, 2013.

1044 Section 11. Subsections (10) and (12) of section 215.5602,  
 1045 Florida Statutes, are amended to read:

1046 215.5602 James and Esther King Biomedical Research  
 1047 Program.—

1048 (10) The council shall submit an annual progress report on  
 1049 the state of biomedical research in this state to ~~the Florida~~  
 1050 ~~Center for Universal Research to Eradicate Disease and to the~~  
 1051 Governor, the State Surgeon General, the President of the  
 1052 Senate, and the Speaker of the House of Representatives by  
 1053 February 1. The report must include:

1054 (a) A list of research projects supported by grants or  
 1055 fellowships awarded under the program.

1056 (b) A list of recipients of program grants or fellowships.

1057 (c) A list of publications in peer reviewed journals  
 1058 involving research supported by grants or fellowships awarded  
 1059 under the program.

1060 (d) The total amount of biomedical research funding  
 1061 currently flowing into the state.

1062 (e) New grants for biomedical research which were funded  
 1063 based on research supported by grants or fellowships awarded  
 1064 under the program.

PCS for HB 1263

ORIGINAL

YEAR

1065 (f) Progress in the prevention, diagnosis, treatment, and  
 1066 cure of diseases related to tobacco use, including cancer,  
 1067 cardiovascular disease, stroke, and pulmonary disease.

1068 (12) ~~From funds appropriated to accomplish the goals of~~  
 1069 ~~this section, up to \$250,000 shall be available for the~~  
 1070 ~~operating costs of the Florida Center for Universal Research to~~  
 1071 ~~Eradicate Disease.~~ Beginning in the 2011-2012 fiscal year and  
 1072 thereafter, \$25 million from the revenue deposited into the  
 1073 Health Care Trust Fund pursuant to ss. 210.011(9) and 210.276(7)  
 1074 shall be reserved for research of tobacco-related or cancer-  
 1075 related illnesses. Of the revenue deposited in the Health Care  
 1076 Trust Fund pursuant to this section, \$25 million shall be  
 1077 transferred to the Biomedical Research Trust Fund within the  
 1078 Department of Health. Subject to annual appropriations in the  
 1079 General Appropriations Act, \$5 million shall be appropriated to  
 1080 the James and Esther King Biomedical Research Program, \$5  
 1081 million shall be appropriated to the William G. "Bill" Bankhead,  
 1082 Jr., and David Coley Cancer Research Program created under s.  
 1083 381.922, \$5 million shall be appropriated to the H. Lee Moffitt  
 1084 Cancer Center and Research Institute established under s.  
 1085 1004.43, \$5 million shall be appropriated to the Sylvester  
 1086 Comprehensive Cancer Center of the University of Miami, and \$5  
 1087 million shall be appropriated to the University of Florida  
 1088 Shands Cancer Center.

1089 Section 12. Section 381.001, Florida Statutes, is amended  
 1090 to read:

1091 381.001 ~~Legislative intent;~~ Public health system.-  
 1092 ~~(1) It is the intent of the Legislature that t~~The

PCS for HB 1263

ORIGINAL

YEAR

1093 Department of Health ~~be~~ is responsible for the state's public  
 1094 health system which shall be designed to promote, protect, and  
 1095 improve the health of all people in the state. ~~The mission of~~  
 1096 ~~the state's public health system is to foster the conditions in~~  
 1097 ~~which people can be healthy, by assessing state and community~~  
 1098 ~~health needs and priorities through data collection,~~  
 1099 ~~epidemiologic studies, and community participation; by~~  
 1100 ~~developing comprehensive public health policies and objectives~~  
 1101 ~~aimed at improving the health status of people in the state; and~~  
 1102 ~~by ensuring essential health care and an environment which~~  
 1103 ~~enhances the health of the individual and the community. The~~  
 1104 Legislature recognizes ~~intends for the Department to~~ shall  
 1105 provide leadership for ~~that the state's public health system~~  
 1106 ~~must be founded on~~ an active partnership working toward shared  
 1107 public health goals and between involving federal, state, and  
 1108 local governments, ~~and between the public and private sectors,~~  
 1109 ~~and, therefore, assessment, policy development, and service~~  
 1110 ~~provision must be shared by all of these entities to achieve its~~  
 1111 mission.

1112 (2) ~~It is the intent of the Legislature that the~~  
 1113 ~~department, in carrying out the mission of public health, focus~~  
 1114 ~~attention on identifying, assessing, and controlling the~~  
 1115 ~~presence and spread of communicable diseases; on monitoring and~~  
 1116 ~~regulating factors in the environment which may impair the~~  
 1117 ~~public's health, with particular attention to preventing~~  
 1118 ~~contamination of drinking water, the air people breathe, and the~~  
 1119 ~~food people consume; and ensuring availability of and access to~~  
 1120 ~~preventive and primary health care, including, but not limited~~



PCS for HB 1263

ORIGINAL

YEAR

1121 ~~to, acute and episodic care, prenatal and postpartum care, child~~  
 1122 ~~health, family planning, school health, chronic disease~~  
 1123 ~~prevention, child and adult immunization, dental health,~~  
 1124 ~~nutrition, and health education and promotion services.~~

1125 ~~(3) It is, furthermore, the intent of the Legislature that~~  
 1126 ~~the public health system include comprehensive planning, data~~  
 1127 ~~collection, technical support, and health resource development~~  
 1128 ~~functions. These functions include, but are not limited to,~~  
 1129 ~~state laboratory and pharmacy services, the state vital~~  
 1130 ~~statistics system, the Florida Center for Health Information and~~  
 1131 ~~Policy Analysis, emergency medical services coordination and~~  
 1132 ~~support, and recruitment, retention, and development of~~  
 1133 ~~preventive and primary health care professionals and managers.~~

1134 ~~(4) It is, furthermore, the intent of the Legislature that~~  
 1135 ~~the department shall provide public health services through the~~  
 1136 ~~67 county health departments in partnership with county~~  
 1137 ~~governments, as specified in part I of chapter 154, and in so~~  
 1138 ~~doing make every attempt possible to solicit the support and~~  
 1139 ~~involvement of private and not for profit health care agencies~~  
 1140 ~~in fulfilling the public health mission.~~

1141 Section 13. Section 381.0011, Florida Statutes, is amended  
 1142 to read:

1143 381.0011 Duties and powers of the Department of Health.—It  
 1144 is the duty of the Department of Health to:

1145 (1) ~~Assess the public health status and needs of the state~~  
 1146 ~~through statewide data collection and other appropriate means,~~  
 1147 ~~with special attention to future needs that may result from~~  
 1148 ~~population growth, technological advancements, new societal~~

PCS for HB 1263

ORIGINAL

YEAR

1149 ~~priorities, or other changes.~~

1150 ~~(2) Formulate general policies affecting the public health~~

1151 ~~of the state.~~

1152 (2)~~(3)~~ Administer and enforce laws and rules relating to

1153 sanitation, control of communicable diseases, illnesses and

1154 hazards to health among humans and from animals to humans, and

1155 the general health of the people of the state.

1156 (3)~~(4)~~ ~~Cooperate with and accept assistance from~~

1157 Coordinate with federal, state, and local officials for the

1158 prevention and suppression of communicable and other diseases,

1159 illnesses, injuries, and hazards to human health.

1160 ~~(5) Declare, enforce, modify, and abolish quarantine of~~

1161 ~~persons, animals, and premises as the circumstances indicate for~~

1162 ~~controlling communicable diseases or providing protection from~~

1163 ~~unsafe conditions that pose a threat to public health, except as~~

1164 ~~provided in ss. 384.28 and 392.545-392.60.~~

1165 ~~(a) The department shall adopt rules to specify the~~

1166 ~~conditions and procedures for imposing and releasing a~~

1167 ~~quarantine. The rules must include provisions related to:~~

1168 ~~—— 1. The closure of premises.~~

1169 ~~—— 2. The movement of persons or animals exposed to or~~

1170 ~~infected with a communicable disease.~~

1171 ~~—— 3. The tests or treatment, including vaccination, for~~

1172 ~~communicable disease required prior to employment or admission~~

1173 ~~to the premises or to comply with a quarantine.~~

1174 ~~—— 4. Testing or destruction of animals with or suspected of~~

1175 ~~having a disease transmissible to humans.~~

1176 ~~—— 5. Access by the department to quarantined premises.~~

PCS for HB 1263

ORIGINAL

YEAR

1177 ~~6. The disinfection of quarantined animals, persons, or~~  
 1178 ~~premises.~~

1179 ~~7. Methods of quarantine.~~

1180 ~~(b) Any health regulation that restricts travel or trade~~  
 1181 ~~within the state may not be adopted or enforced in this state~~  
 1182 ~~except by authority of the department.~~

1183 (4)~~(6)~~ Provide for a thorough investigation and study of  
 1184 the incidence, causes, modes of propagation and transmission,  
 1185 and means of prevention, control, and cure of diseases,  
 1186 illnesses, and hazards to human health.

1187 (5)~~(7)~~ Provide for the dissemination of information to the  
 1188 public relative to the prevention, control, and cure of  
 1189 diseases, illnesses, and hazards to human health. ~~The department~~  
 1190 ~~shall conduct a workshop before issuing any health alert or~~  
 1191 ~~advisory relating to food-borne illness or communicable disease~~  
 1192 ~~in public lodging or food service establishments in order to~~  
 1193 ~~inform persons, trade associations, and businesses of the risk~~  
 1194 ~~to public health and to seek the input of affected persons,~~  
 1195 ~~trade associations, and businesses on the best methods of~~  
 1196 ~~informing and protecting the public, except in an emergency, in~~  
 1197 ~~which case the workshop must be held within 14 days after the~~  
 1198 ~~issuance of the emergency alert or advisory.~~

1199 (6)~~(8)~~ Act as registrar of vital statistics.

1200 ~~(9) Cooperate with and assist federal health officials in~~  
 1201 ~~enforcing public health laws and regulations.~~

1202 ~~(10) Cooperate with other departments, local officials,~~  
 1203 ~~and private boards and organizations for the improvement and~~  
 1204 ~~preservation of the public health.~~

PCS for HB 1263

ORIGINAL

YEAR

1205 ~~(11) Maintain a statewide injury prevention program.~~  
 1206 ~~(12) Adopt rules pursuant to ss. 120.536(1) and 120.54 to~~  
 1207 ~~implement the provisions of law conferring duties upon it. This~~  
 1208 ~~subsection does not authorize the department to require a permit~~  
 1209 ~~or license unless such requirement is specifically provided by~~  
 1210 ~~law.~~

1211 (7) ~~(13)~~ Manage and coordinate emergency preparedness and  
 1212 disaster response functions to: investigate and control the  
 1213 spread of disease; coordinate the availability and staffing of  
 1214 special needs shelters; support patient evacuation; ensure the  
 1215 safety of food and drugs; provide critical incident stress  
 1216 debriefing; and provide surveillance and control of  
 1217 radiological, chemical, biological, and other environmental  
 1218 hazards.

1219 ~~(14) Perform any other duties prescribed by law.~~

1220 Section 14. Section 381.0013, Florida Statutes, is  
 1221 repealed.

1222 Section 15. Section 381.0014, Florida Statutes, is  
 1223 repealed.

1224 Section 16. Section 381.0015, Florida Statutes, is  
 1225 repealed.

1226 Section 17. Section 381.0016, Florida Statutes, is amended  
 1227 to read:

1228 381.0016 County and municipal regulations and ordinances.—  
 1229 Any county or municipality may enact, in a manner prescribed by  
 1230 law, health regulations and ordinances not inconsistent with  
 1231 state public health laws and rules adopted by the department.

1232 Section 18. Section 381.0017, Florida Statutes, is

PCS for HB 1263

ORIGINAL

YEAR

1233 repealed.  
 1234 Section 19. Section 381.0025, Florida Statutes, is amended  
 1235 to read:  
 1236 381.0025 Penalties.—  
 1237 ~~(1) Any person who violates any of the provisions of this~~  
 1238 ~~chapter, any quarantine, or any rule adopted by the department~~  
 1239 ~~under the provisions of this chapter is guilty of a misdemeanor~~  
 1240 ~~of the second degree, punishable as provided in s. 775.082 or s.~~  
 1241 ~~775.083.~~  
 1242 (2) Any person who interferes with, hinders, or opposes  
 1243 any employee of the department in the discharge of his or her  
 1244 duties pursuant to the provisions of s. 381.00315~~this chapter,~~  
 1245 part I of chapter 386, chapter 513, or chapter 514,~~or who~~  
 1246 ~~impersonates an employee of the department,~~ is guilty of a  
 1247 misdemeanor of the second degree, punishable as provided in s.  
 1248 775.082 or s. 775.083.  
 1249 ~~(3) Any person who maliciously disseminates any false~~  
 1250 ~~rumor or report concerning the existence of any infectious or~~  
 1251 ~~contagious disease is guilty of a misdemeanor of the second~~  
 1252 ~~degree, punishable as provided in s. 775.082 or s. 775.083.~~  
 1253 Section 20. Subsection (1) of section 381.003, Florida  
 1254 Statutes, is amended to read:  
 1255 381.003 Communicable disease and AIDS prevention and  
 1256 control.—  
 1257 (1) The department shall conduct a communicable disease  
 1258 prevention and control program as part of fulfilling its public  
 1259 health mission. A communicable disease is any disease caused by  
 1260 transmission of a specific infectious agent, or its toxic

PCS for HB 1263

ORIGINAL

YEAR

1261 products, from an infected person, an infected animal, or the  
 1262 environment to a susceptible host, either directly or  
 1263 indirectly. The communicable disease program must include, but  
 1264 need not be limited to:

1265 (a) Programs for the prevention and control of  
 1266 tuberculosis in accordance with chapter 392.

1267 (b) Programs for the prevention and control of human  
 1268 immunodeficiency virus infection and acquired immune deficiency  
 1269 syndrome in accordance with chapter 384 and this chapter.

1270 (c) Programs for the prevention and control of sexually  
 1271 transmissible diseases in accordance with chapter 384.

1272 (d) Programs for the prevention, control, and reporting of  
 1273 communicable diseases of public health significance as provided  
 1274 for in this chapter.

1275 (e) Programs for the prevention and control of vaccine-  
 1276 preventable diseases, including programs to immunize school  
 1277 children as required by s. 1003.22(3)-(11) and the development  
 1278 of an automated, electronic, and centralized database or  
 1279 registry of immunizations. The department shall ensure that all  
 1280 children in this state are immunized against vaccine-preventable  
 1281 diseases. The immunization registry shall allow the department  
 1282 to enhance current immunization activities for the purpose of  
 1283 improving the immunization of all children in this state.

1284 1. Except as provided in subparagraph 2., the department  
 1285 shall include all children born in this state in the  
 1286 immunization registry by using the birth records from the Office  
 1287 of Vital Statistics. The department shall add other children to  
 1288 the registry as immunization services are provided.

PCS for HB 1263

ORIGINAL

YEAR

1289           2. The parent or guardian of a child may refuse to have  
 1290 the child included in the immunization registry by signing a  
 1291 form obtained from the department, or from the health care  
 1292 practitioner or entity that provides the immunization, which  
 1293 indicates that the parent or guardian does not wish to have the  
 1294 child included in the immunization registry. The decision to not  
 1295 participate in the immunization registry must be noted in the  
 1296 registry.

1297           3. The immunization registry shall allow for immunization  
 1298 records to be electronically transferred to entities that are  
 1299 required by law to have such records, including schools,  
 1300 licensed child care facilities, and any other entity that is  
 1301 required by law to obtain proof of a child's immunizations.

1302           4. Any health care practitioner licensed under chapter  
 1303 458, chapter 459, or chapter 464 in this state who complies with  
 1304 rules adopted by the department to access the immunization  
 1305 registry may, through the immunization registry, directly access  
 1306 immunization records and update a child's immunization history  
 1307 or exchange immunization information with another authorized  
 1308 practitioner, entity, or agency involved in a child's care. The  
 1309 information included in the immunization registry must include  
 1310 the child's name, date of birth, address, and any other unique  
 1311 identifier necessary to correctly identify the child; the  
 1312 immunization record, including the date, type of administered  
 1313 vaccine, and vaccine lot number; and the presence or absence of  
 1314 any adverse reaction or contraindication related to the  
 1315 immunization. Information received by the department for the  
 1316 immunization registry retains its status as confidential medical

PCS for HB 1263

ORIGINAL

YEAR

1317 information and the department must maintain the confidentiality  
 1318 of that information as otherwise required by law. A health care  
 1319 practitioner or other agency that obtains information from the  
 1320 immunization registry must maintain the confidentiality of any  
 1321 medical records in accordance with s. 456.057 or as otherwise  
 1322 required by law.

1323 Section 21. Section 381.0031, Florida Statutes, is amended  
 1324 to read:

1325 381.0031 Epidemiological research; Rreport of diseases of  
 1326 public health significance to department.—

1327 (1) The department may conduct studies concerning the  
 1328 epidemiology of communicable diseases of public health  
 1329 significance affecting people in Florida.

1330 (2) Any practitioner licensed in this state to practice  
 1331 medicine, osteopathic medicine, chiropractic medicine,  
 1332 naturopathy, or veterinary medicine; any hospital licensed under  
 1333 part I of chapter 395; or any laboratory licensed under chapter  
 1334 483 that diagnoses or suspects the existence of a communicable  
 1335 disease of public health significance shall immediately report  
 1336 the fact to the Department of Health.

1337 (~~3~~) Periodically the department shall issue a list of  
 1338 infectious ~~or noninfectious~~ diseases determined by it to be a  
 1339 threat to public health and therefore of significance to public  
 1340 health and shall furnish a copy of the list to the practitioners  
 1341 listed in subsection (~~2~~).

1342 (~~4~~) Reports required by this section must be in  
 1343 accordance with methods specified by rule of the department.

1344 (~~5~~) Information submitted in reports required by this



PCS for HB 1263

ORIGINAL

YEAR

1345 section is confidential, exempt from the provisions of s.  
 1346 119.07(1), and is to be made public only when necessary to  
 1347 public health. A report so submitted is not a violation of the  
 1348 confidential relationship between practitioner and patient.  
 1349 ~~(65)~~ The department may obtain and inspect copies of  
 1350 medical records, records of laboratory tests, and other medical-  
 1351 related information for reported cases of communicable diseases  
 1352 of public health significance described in subsection (2). The  
 1353 department shall examine the records of a person who has a  
 1354 communicable disease of public health significance only for  
 1355 purposes of preventing and eliminating outbreaks of disease and  
 1356 making epidemiological investigations of reported cases of  
 1357 communicable diseases of public health significance,  
 1358 notwithstanding any other law to the contrary. Health care  
 1359 practitioners, licensed health care facilities, and laboratories  
 1360 shall allow the department to inspect and obtain copies of such  
 1361 medical records and medical-related information, notwithstanding  
 1362 any other law to the contrary. Release of medical records and  
 1363 medical-related information to the department by a health care  
 1364 practitioner, licensed health care facility, or laboratory, or  
 1365 by an authorized employee or agent thereof, does not constitute  
 1366 a violation of the confidentiality of patient records. A health  
 1367 care practitioner, health care facility, or laboratory, or any  
 1368 employee or agent thereof, may not be held liable in any manner  
 1369 for damages and is not subject to criminal penalties for  
 1370 providing patient records to the department as authorized by  
 1371 this section.  
 1372 ~~(76)~~ The department may adopt rules related to reporting

PCS for HB 1263

ORIGINAL

YEAR

1373 communicable diseases of significance to public health, which  
 1374 must specify the information to be included in the report, who  
 1375 is required to report, the method and time period for reporting,  
 1376 requirements for enforcement, and required followup activities  
 1377 by the department which are necessary to protect public health.

1378  
 1379 This section does not affect s. 384.25.

1380 Section 22. Subsection (1) of section 381.00315, Florida  
 1381 Statutes, is amended, and subsection (4) is created, to read:

1382 381.00315 Public health advisories; public health  
 1383 emergencies.—The State Health Officer is responsible for  
 1384 declaring public health emergencies and issuing public health  
 1385 advisories.

1386 (1) As used in this section, the term:

1387 (a) "Public health advisory" means any warning or report  
 1388 giving information to the public about a potential public health  
 1389 threat. Prior to issuing any public health advisory, the State  
 1390 Health Officer must consult with any state or local agency  
 1391 regarding areas of responsibility which may be affected by such  
 1392 advisory. Upon determining that issuing a public health advisory  
 1393 is necessary to protect the public health and safety, and prior  
 1394 to issuing the advisory, the State Health Officer must notify  
 1395 each county health department within the area which is affected  
 1396 by the advisory of the State Health Officer's intent to issue  
 1397 the advisory. The State Health Officer is authorized to take any  
 1398 action appropriate to enforce any public health advisory.

1399 (b) "Public health emergency" means any occurrence, or  
 1400 threat thereof, whether natural or man made, which results or

PCS for HB 1263

ORIGINAL

YEAR

1401 may result in substantial injury or harm to the public health  
 1402 from infectious disease, chemical agents, nuclear agents,  
 1403 biological toxins, or situations involving mass casualties or  
 1404 natural disasters. Prior to declaring a public health emergency,  
 1405 the State Health Officer shall, to the extent possible, consult  
 1406 with the Governor and shall notify the Chief of Domestic  
 1407 Security. The declaration of a public health emergency shall  
 1408 continue until the State Health Officer finds that the threat or  
 1409 danger has been dealt with to the extent that the emergency  
 1410 conditions no longer exist and he or she terminates the  
 1411 declaration. However, a declaration of a public health emergency  
 1412 may not continue for longer than 60 days unless the Governor  
 1413 concurs in the renewal of the declaration. The State Health  
 1414 Officer, upon declaration of a public health emergency, may take  
 1415 actions that are necessary to protect the public health. Such  
 1416 actions include, but are not limited to:

1417       1. Directing manufacturers of prescription drugs or over-  
 1418 the-counter drugs who are permitted under chapter 499 and  
 1419 wholesalers of prescription drugs located in this state who are  
 1420 permitted under chapter 499 to give priority to the shipping of  
 1421 specified drugs to pharmacies and health care providers within  
 1422 geographic areas that have been identified by the State Health  
 1423 Officer. The State Health Officer must identify the drugs to be  
 1424 shipped. Manufacturers and wholesalers located in the state must  
 1425 respond to the State Health Officer's priority shipping  
 1426 directive before shipping the specified drugs.

1427       2. Notwithstanding chapters 465 and 499 and rules adopted  
 1428 thereunder, directing pharmacists employed by the department to

PCS for HB 1263

ORIGINAL

YEAR

1429 compound bulk prescription drugs and provide these bulk  
 1430 prescription drugs to physicians and nurses of county health  
 1431 departments or any qualified person authorized by the State  
 1432 Health Officer for administration to persons as part of a  
 1433 prophylactic or treatment regimen.

1434 3. Notwithstanding s. 456.036, temporarily reactivating  
 1435 the inactive license of the following health care practitioners,  
 1436 when such practitioners are needed to respond to the public  
 1437 health emergency: physicians licensed under chapter 458 or  
 1438 chapter 459; physician assistants licensed under chapter 458 or  
 1439 chapter 459; licensed practical nurses, registered nurses, and  
 1440 advanced registered nurse practitioners licensed under part I of  
 1441 chapter 464; respiratory therapists licensed under part V of  
 1442 chapter 468; and emergency medical technicians and paramedics  
 1443 certified under part III of chapter 401. Only those health care  
 1444 practitioners specified in this paragraph who possess an  
 1445 unencumbered inactive license and who request that such license  
 1446 be reactivated are eligible for reactivation. An inactive  
 1447 license that is reactivated under this paragraph shall return to  
 1448 inactive status when the public health emergency ends or prior  
 1449 to the end of the public health emergency if the State Health  
 1450 Officer determines that the health care practitioner is no  
 1451 longer needed to provide services during the public health  
 1452 emergency. Such licenses may only be reactivated for a period  
 1453 not to exceed 90 days without meeting the requirements of s.  
 1454 456.036 or chapter 401, as applicable.

1455 4. Ordering an individual to be examined, tested,  
 1456 vaccinated, treated, or quarantined for communicable diseases

PCS for HB 1263

ORIGINAL

YEAR

1457 that have significant morbidity or mortality and present a  
 1458 severe danger to public health. Individuals who are unable or  
 1459 unwilling to be examined, tested, vaccinated, or treated for  
 1460 reasons of health, religion, or conscience may be subjected to  
 1461 quarantine.

1462 a. Examination, testing, vaccination, or treatment may be  
 1463 performed by any qualified person authorized by the State Health  
 1464 Officer.

1465 b. If the individual poses a danger to the public health,  
 1466 the State Health Officer may subject the individual to  
 1467 quarantine. If there is no practical method to quarantine the  
 1468 individual, the State Health Officer may use any means necessary  
 1469 to vaccinate or treat the individual.

1470  
 1471 Any order of the State Health Officer given to effectuate this  
 1472 paragraph shall be immediately enforceable by a law enforcement  
 1473 officer under s. 381.0012.

1474 (c) The department shall adopt rules to specify the  
 1475 conditions and procedures for imposing and releasing a  
 1476 quarantine. The rules must include provisions related to:

1477 1. The closure of premises.

1478 2. The movement of persons or animals exposed to or  
 1479 infected with a communicable disease.

1480 3. The tests or treatment, including vaccination, for  
 1481 communicable disease required prior to employment or admission  
 1482 to the premises or to comply with a quarantine.

1483 4. Testing or destruction of animals with or suspected of  
 1484 having a disease transmissible to humans.

PCS for HB 1263

ORIGINAL

YEAR

1485           5. Access by the department to quarantined premises.  
 1486           6. The disinfection of quarantined animals, persons, or  
 1487 premises.  
 1488           7. Methods of quarantine.  
 1489           (4) The rules adopted under this section and actions taken  
 1490 by the department pursuant to a declared public health emergency  
 1491 shall supersede all rules enacted by other state departments,  
 1492 boards or commissions, and ordinances and regulations enacted by  
 1493 political subdivisions of the state. Any person who violates any  
 1494 rule adopted under this section, any quarantine, or any  
 1495 requirement adopted by the department pursuant to a declared  
 1496 public health emergency, is guilty of a misdemeanor of the  
 1497 second degree, punishable as provided in s. 775.082 or s.  
 1498 775.083.  
 1499           Section 23. Section 381.0032, Florida Statutes, is  
 1500 repealed.  
 1501           Section 24. Section 381.00325, Florida Statutes, is  
 1502 repealed.  
 1503           Section 25. Subsection (1) of section 381.0034, Florida  
 1504 Statutes, is amended to read:  
 1505           381.0034 Requirement for instruction on HIV and AIDS.—  
 1506           (1) ~~As of July 1, 1991, t~~The Department of Health shall  
 1507 require each person licensed or certified under chapter 401,  
 1508 chapter 467, part IV of chapter 468, or chapter 483, as a  
 1509 condition of biennial relicensure, to complete an educational  
 1510 course approved by the department on the modes of transmission,  
 1511 infection control procedures, clinical management, and  
 1512 prevention of human immunodeficiency virus and acquired immune

PCS for HB 1263

ORIGINAL

YEAR

1513 deficiency syndrome. Such course shall include information on  
 1514 current Florida law on acquired immune deficiency syndrome and  
 1515 its impact on testing, confidentiality of test results, and  
 1516 treatment of patients. Each such licensee or certificateholder  
 1517 shall submit confirmation of having completed said course, on a  
 1518 form provided by the department, when submitting fees or  
 1519 application for each biennial renewal.

1520 Section 26. Section 381.0037, Florida Statutes, is  
 1521 repealed.

1522 Section 27. Subsection (1) of section 381.004, Florida  
 1523 Statutes, is amended, and subsequent subsections are renumbered,  
 1524 to read:

1525 381.004 HIV testing.—

1526 ~~(1) LEGISLATIVE INTENT. The Legislature finds that the use~~  
 1527 ~~of tests designed to reveal a condition indicative of human~~  
 1528 ~~immunodeficiency virus infection can be a valuable tool in~~  
 1529 ~~protecting the public health. The Legislature finds that despite~~  
 1530 ~~existing laws, regulations, and professional standards which~~  
 1531 ~~require or promote the informed, voluntary, and confidential use~~  
 1532 ~~of tests designed to reveal human immunodeficiency virus~~  
 1533 ~~infection, many members of the public are deterred from seeking~~  
 1534 ~~such testing because they misunderstand the nature of the test~~  
 1535 ~~or fear that test results will be disclosed without their~~  
 1536 ~~consent. The Legislature finds that the public health will be~~  
 1537 ~~served by facilitating informed, voluntary, and confidential use~~  
 1538 ~~of tests designed to detect human immunodeficiency virus~~  
 1539 ~~infection.~~

1540 Section 28. Subsection (2) of section 381.0046, Florida

PCS for HB 1263

ORIGINAL

YEAR

1541 Statutes, is amended to read:

1542 381.0046 Statewide HIV and AIDS prevention campaign.—

1543 (2) The Department of Health shall establish dedicated~~four~~  
 1544 positions within the department for HIV and AIDS regional  
 1545 minority coordinators and ~~one position for~~ a statewide HIV and  
 1546 AIDS minority coordinator. The coordinators shall facilitate  
 1547 statewide efforts to implement and coordinate HIV and AIDS  
 1548 prevention and treatment programs. ~~The statewide coordinator~~  
 1549 ~~shall report directly to the chief of the Bureau of HIV and AIDS~~  
 1550 ~~within the Department of Health.~~

1551 Section 29. Subsection (2) of section 381.005, Florida  
 1552 Statutes, is amended, and subsequent subsections are renumbered,  
 1553 to read:

1554 381.005 Primary and preventive health services.—

1555 ~~(2) Between October 1, or earlier if the vaccination is~~  
 1556 ~~available, and February 1 of each year, subject to the~~  
 1557 ~~availability of an adequate supply of the necessary vaccine,~~  
 1558 ~~each hospital licensed pursuant to chapter 395 shall implement a~~  
 1559 ~~program to offer immunizations against the influenza virus and~~  
 1560 ~~pneumococcal bacteria to all patients age 65 or older, in~~  
 1561 ~~accordance with the recommendations of the Advisory Committee on~~  
 1562 ~~Immunization Practices of the United States Centers for Disease~~  
 1563 ~~Control and Prevention and subject to the clinical judgment of~~  
 1564 ~~the responsible practitioner.~~

1565 Section 30. Subsection (2) of section 381.0051, Florida  
 1566 Statutes, is amended, and subsequent subsections are renumbered,  
 1567 to read:

1568 381.0051 Family planning.—



PCS for HB 1263

ORIGINAL

YEAR

1569 (1) SHORT TITLE.—This section shall be known as the  
 1570 "Comprehensive Family Planning Act."

1571 ~~(2) LEGISLATIVE INTENT.—It is the intent of the~~  
 1572 ~~Legislature to make available to citizens of the state of~~  
 1573 ~~childbearing age comprehensive medical knowledge, assistance,~~  
 1574 ~~and services relating to the planning of families and maternal~~  
 1575 ~~health care.~~

1576 Section 31. Subsection (5) of section 381.0052, Florida  
 1577 Statutes, is amended to read:

1578 381.0052 Dental health.—

1579 ~~(5) The department may adopt rules to implement this~~  
 1580 ~~section.~~

1581 Section 32. Subsection (4) of section 381.0053, Florida  
 1582 Statutes, is amended to read:

1583 381.0053 Comprehensive nutrition program.—

1584 ~~(4) The department may promulgate rules to implement the~~  
 1585 ~~provisions of this section.~~

1586 Section 33. Section 381.0054, Florida Statutes, is  
 1587 repealed.

1588 Section 34. Subsections (2), (3), and (11) of section  
 1589 381.0056, Florida Statutes are amended, and subsequent  
 1590 subsections are renumbered, is amended to read:

1591 381.0056 School health services program.—

1592 ~~(2) The Legislature finds that health services conducted~~  
 1593 ~~as a part of the total school health program should be carried~~  
 1594 ~~out to appraise, protect, and promote the health of students.~~  
 1595 ~~School health services supplement, rather than replace, parental~~  
 1596 ~~responsibility and are designed to encourage parents to devote~~

PCS for HB 1263

ORIGINAL

YEAR

1597 ~~attention to child health, to discover health problems, and to~~  
 1598 ~~encourage use of the services of their physicians, dentists, and~~  
 1599 ~~community health agencies.~~

1600 (23) As used in~~When used in or for purposes of~~ this  
 1601 section:

1602 (a) "Emergency health needs" means onsite management and  
 1603 aid for illness or injury pending the student's return to the  
 1604 classroom or release to a parent, guardian, designated friend,  
 1605 or designated health care provider.

1606 (b) "Entity" or "health care entity" means a unit of local  
 1607 government or a political subdivision of the state; a hospital  
 1608 licensed under chapter 395; a health maintenance organization  
 1609 certified under chapter 641; a health insurer authorized under  
 1610 the Florida Insurance Code; a community health center; a migrant  
 1611 health center; a federally qualified health center; an  
 1612 organization that meets the requirements for nonprofit status  
 1613 under s. 501(c)(3) of the Internal Revenue Code; a private  
 1614 industry or business; or a philanthropic foundation that agrees  
 1615 to participate in a public-private partnership with a county  
 1616 health department, local school district, or school in the  
 1617 delivery of school health services, and agrees to the terms and  
 1618 conditions for the delivery of such services as required by this  
 1619 section and as documented in the local school health services  
 1620 plan.

1621 (c) "Invasive screening" means any screening procedure in  
 1622 which the skin or any body orifice is penetrated.

1623 (d) "Physical examination" means a thorough evaluation of  
 1624 the health status of an individual.

PCS for HB 1263

ORIGINAL

YEAR

1625 (e) "School health services plan" means the document that  
 1626 describes the services to be provided, the responsibility for  
 1627 provision of the services, the anticipated expenditures to  
 1628 provide the services, and evidence of cooperative planning by  
 1629 local school districts and county health departments.

1630 (f) "Screening" means presumptive identification of  
 1631 unknown or unrecognized diseases or defects by the application  
 1632 of tests that can be given with ease and rapidity to apparently  
 1633 healthy persons.

1634 ~~(11) School health programs funded by health care~~  
 1635 ~~districts or entities defined in subsection (3) must be~~  
 1636 ~~supplementary to and consistent with the requirements of this~~  
 1637 ~~section and ss. 381.0057 and 381.0059.~~

1638 Section 35. Subsection (1) of section 381.0057, Florida  
 1639 Statutes, is amended, and subsequent subsections are renumbered,  
 1640 to read:

1641 381.0057 Funding for school health services.—

1642 ~~(1) It is the intent of the Legislature that funds in~~  
 1643 ~~addition to those provided under the School Health Services Act~~  
 1644 ~~be provided to those school districts and schools where there is~~  
 1645 ~~a high incidence of medically underserved high-risk children,~~  
 1646 ~~low birthweight babies, infant mortality, or teenage pregnancy.~~  
 1647 ~~The purpose of this funding is to phase in those programs which~~  
 1648 ~~offer the greatest potential for promoting the health of~~  
 1649 ~~students and reducing teenage pregnancy.~~

1650 Section 36. Section 381.00591, Florida Statutes, is  
 1651 amended to read:

1652 381.00591 Department of Health; National Environmental

PCS for HB 1263

ORIGINAL

YEAR

1653 Laboratory accreditation; application; ~~rules.~~—The Department of  
 1654 Health may apply for and become a National Environmental  
 1655 Laboratory Accreditation Program accreditation body~~accrediting~~  
 1656 ~~authority. The department, as an accrediting entity, may adopt~~  
 1657 ~~rules pursuant to ss. 120.536(1) and 120.54, to implement~~  
 1658 ~~standards of the National Environmental Laboratory Accreditation~~  
 1659 ~~Program, including requirements for proficiency testing~~  
 1660 ~~providers and other rules that are not inconsistent with this~~  
 1661 ~~section, including rules pertaining to fees, application~~  
 1662 ~~procedures, standards applicable to environmental or public~~  
 1663 ~~water supply laboratories, and compliance.~~

1664 Section 37. Subsection (8) of section 381.00593, Florida  
 1665 Statutes, is amended, and the subsequent subsection is  
 1666 renumbered, to read:

1667 381.00593 Public school volunteer health care practitioner  
 1668 program.—

1669 ~~(8) The Department of Health, in cooperation with the~~  
 1670 ~~Department of Education, may adopt rules necessary to implement~~  
 1671 ~~this section. The rules shall include the forms to be completed~~  
 1672 ~~and procedures to be followed by applicants and school personnel~~  
 1673 ~~under the program.~~

1674 Section 38. Subsection (1) of section 381.0062, Florida  
 1675 Statutes, is amended, and subsequent subsections are renumbered,  
 1676 to read:

1677 381.0062 Supervision; private and certain public water  
 1678 systems.—

1679 ~~(1) LEGISLATIVE INTENT. It is the intent of the~~  
 1680 ~~Legislature to protect the public's health by establishing~~

PCS for HB 1263

ORIGINAL

YEAR

1681 ~~standards for the construction, modification, and operation of~~  
 1682 ~~public and private water systems to assure consumers that the~~  
 1683 ~~water provided by those systems is potable.~~

1684 Section 39. Subsections (1), (5), (6), and (7) of section  
 1685 381.0065, Florida Statutes, are amended, paragraphs (b) through  
 1686 (p) of subsection (2) of that section are redesignated as  
 1687 paragraphs (c) through (q), respectively, a new paragraph (b) is  
 1688 added to that subsection, paragraph (j) of subsection (3) and  
 1689 paragraph (n) of subsection (4) of that section are amended, and  
 1690 paragraphs (w) through (z) are added to subsection (4) of that  
 1691 section, to read:

1692 381.0065 Onsite sewage treatment and disposal systems;  
 1693 regulation.—

1694 (1) LEGISLATIVE INTENT.—

1695 ~~(a) It is the intent of the Legislature that proper~~  
 1696 ~~management of onsite sewage treatment and disposal systems is~~  
 1697 ~~paramount to the health, safety, and welfare of the public. It~~  
 1698 ~~is further the intent of the Legislature that the department~~  
 1699 ~~shall administer an evaluation program to ensure the operational~~  
 1700 ~~condition of the system and identify any failure with the~~  
 1701 ~~system.~~

1702 ~~(b)~~ It is the intent of the Legislature that where a  
 1703 publicly owned or investor-owned sewerage system is not  
 1704 available, the department shall issue permits for the  
 1705 construction, installation, modification, abandonment, or repair  
 1706 of onsite sewage treatment and disposal systems under conditions  
 1707 as described in this section and rules adopted under this  
 1708 section. It is further the intent of the Legislature that the

PCS for HB 1263

ORIGINAL

YEAR

1709 installation and use of onsite sewage treatment and disposal  
 1710 systems not adversely affect the public health or significantly  
 1711 degrade the groundwater or surface water.

1712 (2) DEFINITIONS.—As used in ss. 381.0065–381.0067, the  
 1713 term:

1714 (b)1. "Bedroom" means a room that can be used for sleeping  
 1715 and that:

1716 a. For site-built dwellings, has a minimum of 70 square  
 1717 feet of conditioned space;

1718 b. For manufactured homes, is constructed according to  
 1719 standards of the United States Department of Housing and Urban  
 1720 Development and has a minimum of 50 square feet of floor area;

1721 c. Is located along an exterior wall;

1722 d. Has a closet and a door or an entrance where a door  
 1723 could be reasonably installed; and

1724 e. Has an emergency means of escape and rescue opening to  
 1725 the outside.

1726 2. A room may not be considered a bedroom if it is used to  
 1727 access another room except a bathroom or closet.

1728 3. "Bedroom" does not include a hallway, bathroom,  
 1729 kitchen, living room, family room, dining room, den, breakfast  
 1730 nook, pantry, laundry room, sunroom, recreation room,  
 1731 media/video room, or exercise room.

1732 (3) DUTIES AND POWERS OF THE DEPARTMENT OF HEALTH.—The  
 1733 department shall:

1734 (c) Develop a comprehensive program to ensure that onsite  
 1735 sewage treatment and disposal systems regulated by the  
 1736 department are sized, designed, constructed, installed,

PCS for HB 1263

ORIGINAL

YEAR

1737 repaired, modified, abandoned, used, operated, and maintained in  
 1738 compliance with this section and rules adopted under this  
 1739 section to prevent groundwater contamination and surface water  
 1740 contamination and to preserve the public health. The department  
 1741 is the final administrative interpretive authority regarding  
 1742 rule interpretation. In the event of a conflict regarding rule  
 1743 interpretation, the Bureau Chief~~Division Director~~ for  
 1744 Environmental Health of the department, or his or her designee,  
 1745 shall timely assign a staff person to resolve the dispute.

1746 (j) Supervise research on, demonstration of, and training  
 1747 on the performance, environmental impact, and public health  
 1748 impact of onsite sewage treatment and disposal systems within  
 1749 this state. Research fees collected under s. 381.0066(2)(k)  
 1750 ~~381.0066(2)(l)~~ must be used to develop and fund hands-on  
 1751 training centers designed to provide practical information about  
 1752 onsite sewage treatment and disposal systems to septic tank  
 1753 contractors, master septic tank contractors, contractors,  
 1754 inspectors, engineers, and the public and must also be used to  
 1755 fund research projects which focus on improvements of onsite  
 1756 sewage treatment and disposal systems, including use of  
 1757 performance-based standards and reduction of environmental  
 1758 impact. Research projects shall be initially approved by the  
 1759 technical review and advisory panel and shall be applicable to  
 1760 and reflect the soil conditions specific to Florida. Such  
 1761 projects shall be awarded through competitive negotiation, using  
 1762 the procedures provided in s. 287.055, to public or private  
 1763 entities that have experience in onsite sewage treatment and  
 1764 disposal systems in Florida and that are principally located in

PCS for HB 1263

ORIGINAL

YEAR

1765 Florida. Research projects shall not be awarded to firms or  
 1766 entities that employ or are associated with persons who serve on  
 1767 either the technical review and advisory panel or the research  
 1768 review and advisory committee.

1769 (4) PERMITS; INSTALLATION; AND CONDITIONS.—A person may  
 1770 not construct, repair, modify, abandon, or operate an onsite  
 1771 sewage treatment and disposal system without first obtaining a  
 1772 permit approved by the department. The department may issue  
 1773 permits to carry out this section, but shall not make the  
 1774 issuance of such permits contingent upon prior approval by the  
 1775 Department of Environmental Protection, except that the issuance  
 1776 of a permit for work seaward of the coastal construction control  
 1777 line established under s. 161.053 shall be contingent upon  
 1778 receipt of any required coastal construction control line permit  
 1779 from the Department of Environmental Protection. A construction  
 1780 permit is valid for 18 months from the issuance date and may be  
 1781 extended by the department for one 90-day period under rules  
 1782 adopted by the department. A repair permit is valid for 90 days  
 1783 from the date of issuance. An operating permit must be obtained  
 1784 prior to the use of any aerobic treatment unit or if the  
 1785 establishment generates commercial waste. Buildings or  
 1786 establishments that use an aerobic treatment unit or generate  
 1787 commercial waste shall be inspected by the department at least  
 1788 annually to assure compliance with the terms of the operating  
 1789 permit. The operating permit for a commercial wastewater system  
 1790 is valid for 1 year from the date of issuance and must be  
 1791 renewed annually. The operating permit for an aerobic treatment  
 1792 unit is valid for 2 years from the date of issuance and must be



PCS for HB 1263

ORIGINAL

YEAR

1793 renewed every 2 years. If all information pertaining to the  
 1794 siting, location, and installation conditions or repair of an  
 1795 onsite sewage treatment and disposal system remains the same, a  
 1796 construction or repair permit for the onsite sewage treatment  
 1797 and disposal system may be transferred to another person, if the  
 1798 transferee files, within 60 days after the transfer of  
 1799 ownership, an amended application providing all corrected  
 1800 information and proof of ownership of the property. There is no  
 1801 fee associated with the processing of this supplemental  
 1802 information. A person may not contract to construct, modify,  
 1803 alter, repair, service, abandon, or maintain any portion of an  
 1804 onsite sewage treatment and disposal system without being  
 1805 registered under part III of chapter 489. A property owner who  
 1806 personally performs construction, maintenance, or repairs to a  
 1807 system serving his or her own owner-occupied single-family  
 1808 residence is exempt from registration requirements for  
 1809 performing such construction, maintenance, or repairs on that  
 1810 residence, but is subject to all permitting requirements. A  
 1811 municipality or political subdivision of the state may not issue  
 1812 a building or plumbing permit for any building that requires the  
 1813 use of an onsite sewage treatment and disposal system unless the  
 1814 owner or builder has received a construction permit for such  
 1815 system from the department. A building or structure may not be  
 1816 occupied and a municipality, political subdivision, or any state  
 1817 or federal agency may not authorize occupancy until the  
 1818 department approves the final installation of the onsite sewage  
 1819 treatment and disposal system. A municipality or political  
 1820 subdivision of the state may not approve any change in occupancy

PCS for HB 1263

ORIGINAL

YEAR

1821 or tenancy of a building that uses an onsite sewage treatment  
 1822 and disposal system until the department has reviewed the use of  
 1823 the system with the proposed change, approved the change, and  
 1824 amended the operating permit.

1825 (h)

1826 2. The department shall appoint and staff a variance  
 1827 review and advisory committee, which shall meet monthly to  
 1828 recommend agency action on variance requests. The committee  
 1829 shall make its recommendations on variance requests at the  
 1830 meeting in which the application is scheduled for consideration,  
 1831 except for an extraordinary change in circumstances, the receipt  
 1832 of new information that raises new issues, or when the applicant  
 1833 requests an extension. The committee shall consider the criteria  
 1834 in subparagraph 1. in its recommended agency action on variance  
 1835 requests and shall also strive to allow property owners the full  
 1836 use of their land where possible. The committee consists of the  
 1837 following:

1838 a. The Bureau Chief~~Division Director~~ for Environmental  
 1839 Health of the department or his or her designee.

1840 b. A representative from the county health departments.

1841 c. A representative from the home building industry  
 1842 recommended by the Florida Home Builders Association.

1843 d. A representative from the septic tank industry  
 1844 recommended by the Florida Onsite Wastewater Association.

1845 e. A representative from the Department of Environmental  
 1846 Protection.

1847 f. A representative from the real estate industry who is  
 1848 also a developer in this state who develops lots using onsite

PCS for HB 1263

ORIGINAL

YEAR

1849 sewage treatment and disposal systems, recommended by the  
 1850 Florida Association of Realtors.  
 1851 g. A representative from the engineering profession  
 1852 recommended by the Florida Engineering Society.  
 1853  
 1854 Members shall be appointed for a term of 3 years, with such  
 1855 appointments being staggered so that the terms of no more than  
 1856 two members expire in any one year. Members shall serve without  
 1857 remuneration, but if requested, shall be reimbursed for per diem  
 1858 and travel expenses as provided in s. 112.061.  
 1859 (n) Evaluations for determining the seasonal high-water  
 1860 table elevations or the suitability of soils for the use of a  
 1861 new onsite sewage treatment and disposal system shall be  
 1862 performed by department personnel, professional engineers  
 1863 registered in the state, or such other persons with expertise,  
 1864 as defined by rule, in making such evaluations. Evaluations for  
 1865 determining mean annual flood lines shall be performed by those  
 1866 persons identified in paragraph (2) (j) ~~(2) (i)~~. The department  
 1867 shall accept evaluations submitted by professional engineers and  
 1868 such other persons as meet the expertise established by this  
 1869 section or by rule unless the department has a reasonable  
 1870 scientific basis for questioning the accuracy or completeness of  
 1871 the evaluation.  
 1872 (o) The department shall appoint a research review and  
 1873 advisory committee, which shall meet at least semiannually. The  
 1874 committee shall advise the department on directions for new  
 1875 research, review and rank proposals for research contracts, and  
 1876 review draft research reports and make comments. The committee

PCS for HB 1263

ORIGINAL

YEAR

- 1877 is comprised of:
- 1878 1. A representative of the Bureau~~Division~~ of Environmental
  - 1879 Health of the Department of Health.
  - 1880 2. A representative from the septic tank industry.
  - 1881 3. A representative from the home building industry.
  - 1882 4. A representative from an environmental interest group.
  - 1883 5. A representative from the State University System, from
  - 1884 a department knowledgeable about onsite sewage treatment and
  - 1885 disposal systems.
  - 1886 6. A professional engineer registered in this state who
  - 1887 has work experience in onsite sewage treatment and disposal
  - 1888 systems.
  - 1889 7. A representative from local government who is
  - 1890 knowledgeable about domestic wastewater treatment.
  - 1891 8. A representative from the real estate profession.
  - 1892 9. A representative from the restaurant industry.
  - 1893 10. A consumer.

1894

1895 Members shall be appointed for a term of 3 years, with the

1896 appointments being staggered so that the terms of no more than

1897 four members expire in any one year. Members shall serve without

1898 remuneration, but are entitled to reimbursement for per diem and

1899 travel expenses as provided in s. 112.061.

1900 (w) Any permit issued and approved by the department for

1901 the installation, modification, or repair of an onsite sewage

1902 treatment and disposal system shall transfer with the title to

1903 the property in a real estate transaction. A title shall not be

1904 encumbered at the time of transfer by new permit requirements by

PCS for HB 1263

ORIGINAL

YEAR

1905 a governmental entity for an onsite sewage treatment and  
 1906 disposal system that differ from the permitting requirements in  
 1907 effect at the time the system was permitted, modified, or  
 1908 repaired. No inspection of a system shall be mandated by any  
 1909 governmental entity at the point of sale in a real estate  
 1910 transaction.

1911 (x)1. An onsite sewage treatment and disposal system is  
 1912 not considered abandoned if the system is disconnected from a  
 1913 structure that was made unusable or destroyed following a  
 1914 disaster and was properly functioning at the time of  
 1915 disconnection and not adversely affected by the disaster. The  
 1916 onsite sewage treatment and disposal system may be reconnected  
 1917 to a rebuilt structure if:

1918 a. The reconnection of the system is to the same type and  
 1919 approximate size of structure that existed prior to the  
 1920 disaster;

1921 b. The system is not a sanitary nuisance; and

1922 c. The system has not been altered without prior  
 1923 authorization.

1924 2. An onsite sewage treatment and disposal system that  
 1925 serves a property that is foreclosed upon is not considered  
 1926 abandoned.

1927 (y) If an onsite sewage treatment and disposal system  
 1928 permittee receives, relies upon, and undertakes construction of  
 1929 a system based upon a validly issued construction permit under  
 1930 rules applicable at the time of construction but a change to a  
 1931 rule occurs after the approval of the system for construction  
 1932 but before the final approval of the system, the rules

PCS for HB 1263

ORIGINAL

YEAR

1933 applicable and in effect at the time of construction approval  
 1934 apply at the time of final approval if fundamental site  
 1935 conditions have not changed between the time of construction  
 1936 approval and final approval.

1937 (z) A modification, replacement, or upgrade of an onsite  
 1938 sewage treatment and disposal system is not required for a  
 1939 remodeling addition to a single-family home if a bedroom is not  
 1940 added.

1941 ~~(5) EVALUATION AND ASSESSMENT.—~~

1942 ~~(a) Beginning July 1, 2011, the department shall~~  
 1943 ~~administer an onsite sewage treatment and disposal system~~  
 1944 ~~evaluation program for the purpose of assessing the fundamental~~  
 1945 ~~operational condition of systems and identifying any failures~~  
 1946 ~~within the systems. The department shall adopt rules~~  
 1947 ~~implementing the program standards, procedures, and~~  
 1948 ~~requirements, including, but not limited to, a schedule for a 5-~~  
 1949 ~~year evaluation cycle, requirements for the pump out of a system~~  
 1950 ~~or repair of a failing system, enforcement procedures for~~  
 1951 ~~failure of a system owner to obtain an evaluation of the system,~~  
 1952 ~~and failure of a contractor to timely submit evaluation results~~  
 1953 ~~to the department and the system owner. The department shall~~  
 1954 ~~ensure statewide implementation of the evaluation and assessment~~  
 1955 ~~program by January 1, 2016.~~

1956 ~~(b) Owners of an onsite sewage treatment and disposal~~  
 1957 ~~system, excluding a system that is required to obtain an~~  
 1958 ~~operating permit, shall have the system evaluated at least once~~  
 1959 ~~every 5 years to assess the fundamental operational condition of~~  
 1960 ~~the system, and identify any failure within the system.~~

PCS for HB 1263

ORIGINAL

YEAR

1961 ~~(c) All evaluation procedures must be documented and~~  
 1962 ~~nothing in this subsection limits the amount of detail an~~  
 1963 ~~evaluator may provide at his or her professional discretion. The~~  
 1964 ~~evaluation must include a tank and drainfield evaluation, a~~  
 1965 ~~written assessment of the condition of the system, and, if~~  
 1966 ~~necessary, a disclosure statement pursuant to the department's~~  
 1967 ~~procedure.~~

1968 ~~(d)1. Systems being evaluated that were installed prior to~~  
 1969 ~~January 1, 1983, shall meet a minimum 6-inch separation from the~~  
 1970 ~~bottom of the drainfield to the wettest season water table~~  
 1971 ~~elevation as defined by department rule. All drainfield repairs,~~  
 1972 ~~replacements or modifications to systems installed prior to~~  
 1973 ~~January 1, 1983, shall meet a minimum 12-inch separation from~~  
 1974 ~~the bottom of the drainfield to the wettest season water table~~  
 1975 ~~elevation as defined by department rule.~~

1976 ~~2. Systems being evaluated that were installed on or after~~  
 1977 ~~January 1, 1983, shall meet a minimum 12-inch separation from~~  
 1978 ~~the bottom of the drainfield to the wettest season water table~~  
 1979 ~~elevation as defined by department rule. All drainfield repairs,~~  
 1980 ~~replacements or modification to systems developed on or after~~  
 1981 ~~January 1, 1983, shall meet a minimum 24-inch separation from~~  
 1982 ~~the bottom of the drainfield to the wettest season water table~~  
 1983 ~~elevation.~~

1984 ~~(e) If documentation of a tank pump-out or a permitted new~~  
 1985 ~~installation, repair, or modification of the system within the~~  
 1986 ~~previous 5 years is provided, and states the capacity of the~~  
 1987 ~~tank and indicates that the condition of the tank is not a~~  
 1988 ~~sanitary or public health nuisance pursuant to department rule,~~

PCS for HB 1263

ORIGINAL

YEAR

1989 ~~a pump out of the system is not required.~~

1990 ~~(f) Owners are responsible for paying the cost of any~~

1991 ~~required pump out, repair, or replacement pursuant to department~~

1992 ~~rule, and may not request partial evaluation or the omission of~~

1993 ~~portions of the evaluation.~~

1994 ~~(g) Each evaluation or pump out required under this~~

1995 ~~subsection must be performed by a septic tank contractor or~~

1996 ~~master septic tank contractor registered under part III of~~

1997 ~~chapter 489, a professional engineer with wastewater treatment~~

1998 ~~system experience licensed pursuant to chapter 471, or an~~

1999 ~~environmental health professional certified under chapter 381 in~~

2000 ~~the area of onsite sewage treatment and disposal system~~

2001 ~~evaluation.~~

2002 ~~(h) The evaluation report fee collected pursuant to s.~~

2003 ~~381.0066(2)(b) shall be remitted to the department by the~~

2004 ~~evaluator at the time the report is submitted.~~

2005 ~~(i) Prior to any evaluation deadline, the department must~~

2006 ~~provide a minimum of 60 days' notice to owners that their~~

2007 ~~systems must be evaluated by that deadline. The department may~~

2008 ~~include a copy of any homeowner educational materials developed~~

2009 ~~pursuant to this section which provides information on the~~

2010 ~~proper maintenance of onsite sewage treatment and disposal~~

2011 ~~systems.~~

2012 (5) ~~(6)~~ ENFORCEMENT; RIGHT OF ENTRY; CITATIONS.—

2013 (a) Department personnel who have reason to believe

2014 noncompliance exists, may at any reasonable time, enter the

2015 premises permitted under ss. 381.0065-381.0066, or the business

2016 premises of any septic tank contractor or master septic tank



PCS for HB 1263

ORIGINAL

YEAR

2017 contractor registered under part III of chapter 489, or any  
 2018 premises that the department has reason to believe is being  
 2019 operated or maintained not in compliance, to determine  
 2020 compliance with the provisions of this section, part I of  
 2021 chapter 386, or part III of chapter 489 or rules or standards  
 2022 adopted under ss. 381.0065-381.0067, part I of chapter 386, or  
 2023 part III of chapter 489. As used in this paragraph, the term  
 2024 "premises" does not include a residence or private building. To  
 2025 gain entry to a residence or private building, the department  
 2026 must obtain permission from the owner or occupant or secure an  
 2027 inspection warrant from a court of competent jurisdiction.

2028 (b)1. The department may issue citations that may contain  
 2029 an order of correction or an order to pay a fine, or both, for  
 2030 violations of ss. 381.0065-381.0067, part I of chapter 386, or  
 2031 part III of chapter 489 or the rules adopted by the department,  
 2032 when a violation of these sections or rules is enforceable by an  
 2033 administrative or civil remedy, or when a violation of these  
 2034 sections or rules is a misdemeanor of the second degree. A  
 2035 citation issued under ss. 381.0065-381.0067, part I of chapter  
 2036 386, or part III of chapter 489 constitutes a notice of proposed  
 2037 agency action.

2038 2. A citation must be in writing and must describe the  
 2039 particular nature of the violation, including specific reference  
 2040 to the provisions of law or rule allegedly violated.

2041 3. The fines imposed by a citation issued by the  
 2042 department may not exceed \$500 for each violation. Each day the  
 2043 violation exists constitutes a separate violation for which a  
 2044 citation may be issued.

PCS for HB 1263

ORIGINAL

YEAR

2045 4. The department shall inform the recipient, by written  
 2046 notice pursuant to ss. 120.569 and 120.57, of the right to an  
 2047 administrative hearing to contest the citation within 21 days  
 2048 after the date the citation is received. The citation must  
 2049 contain a conspicuous statement that if the recipient fails to  
 2050 pay the fine within the time allowed, or fails to appear to  
 2051 contest the citation after having requested a hearing, the  
 2052 recipient has waived the recipient's right to contest the  
 2053 citation and must pay an amount up to the maximum fine.

2054 5. The department may reduce or waive the fine imposed by  
 2055 the citation. In determining whether to reduce or waive the  
 2056 fine, the department must consider the gravity of the violation,  
 2057 the person's attempts at correcting the violation, and the  
 2058 person's history of previous violations including violations for  
 2059 which enforcement actions were taken under ss. 381.0065-  
 2060 381.0067, part I of chapter 386, part III of chapter 489, or  
 2061 other provisions of law or rule.

2062 6. Any person who willfully refuses to sign and accept a  
 2063 citation issued by the department commits a misdemeanor of the  
 2064 second degree, punishable as provided in s. 775.082 or s.  
 2065 775.083.

2066 7. The department, pursuant to ss. 381.0065-381.0067, part  
 2067 I of chapter 386, or part III of chapter 489, shall deposit any  
 2068 fines it collects in the county health department trust fund for  
 2069 use in providing services specified in those sections.

2070 8. This section provides an alternative means of enforcing  
 2071 ss. 381.0065-381.0067, part I of chapter 386, and part III of  
 2072 chapter 489. This section does not prohibit the department from

PCS for HB 1263

ORIGINAL

YEAR

2073 enforcing ss. 381.0065-381.0067, part I of chapter 386, or part  
 2074 III of chapter 489, or its rules, by any other means. However,  
 2075 the department must elect to use only a single method of  
 2076 enforcement for each violation.

2077 (6)~~(7)~~ LAND APPLICATION OF SEPTAGE PROHIBITED.—Effective  
 2078 January 1, 2016, the land application of septage from onsite  
 2079 sewage treatment and disposal systems is prohibited. ~~By February~~  
 2080 ~~1, 2011, the department, in consultation with the Department of~~  
 2081 ~~Environmental Protection, shall provide a report to the~~  
 2082 ~~Governor, the President of the Senate, and the Speaker of the~~  
 2083 ~~House of Representatives, recommending alternative methods to~~  
 2084 ~~establish enhanced treatment levels for the land application of~~  
 2085 ~~septage from onsite sewage and disposal systems. The report~~  
 2086 ~~shall include, but is not limited to, a schedule for the~~  
 2087 ~~reduction in land application, appropriate treatment levels,~~  
 2088 ~~alternative methods for treatment and disposal, enhanced~~  
 2089 ~~application site permitting requirements including any~~  
 2090 ~~requirements for nutrient management plans, and the range of~~  
 2091 ~~costs to local governments, affected businesses, and individuals~~  
 2092 ~~for alternative treatment and disposal methods. The report shall~~  
 2093 ~~also include any recommendations for legislation or rule~~  
 2094 ~~authority needed to reduce land application of septage.~~

2095 Section 40. Section 381.00651, Florida Statutes, is  
 2096 created to read:

2097 381.00651 Periodic evaluation and assessment of onsite  
 2098 sewage treatment and disposal systems.—

2099 (1) For the purposes of this section, the term "first  
 2100 magnitude spring" means a spring that has a median water

PCS for HB 1263

ORIGINAL

YEAR

2101 discharge of greater than or equal to 100 cubic feet per second  
 2102 for the period of record, as determined by the Department of  
 2103 Environmental Protection.

2104 (2) A county or municipality containing a first magnitude  
 2105 spring that has not adopted an onsite sewage treatment and  
 2106 disposal system evaluation and assessment program, or that does  
 2107 not opt out of this section, shall develop and adopt by  
 2108 ordinance a local onsite sewage treatment and disposal system  
 2109 evaluation and assessment program that meets the requirements of  
 2110 this section within all or part of its geographic area. A county  
 2111 or municipality that does not contain a first magnitude spring  
 2112 may develop and adopt by ordinance a local onsite sewage  
 2113 treatment and disposal system evaluation and assessment program  
 2114 that meets the requirements of this section within all or part  
 2115 of its geographic area. By a majority vote of the local  
 2116 governing body, a county or municipality containing a first  
 2117 magnitude spring may opt out of the requirements of this section  
 2118 at any time before January 1, 2013, by adopting a separate  
 2119 resolution. A county or municipality that has adopted such a  
 2120 program before July 1, 2011, may continue to enforce its  
 2121 program, provided such program does not require an evaluation at  
 2122 the point of sale in a real estate transaction. A county or  
 2123 municipality that does not opt out of this section shall notify  
 2124 the Secretary of State by letter of the adoption of the  
 2125 ordinance pursuant to this section. The resolution shall be  
 2126 directed to and filed with the Secretary of State and shall  
 2127 state the intent of the county or municipality not to adopt an  
 2128 onsite sewage treatment and disposal system evaluation and

PCS for HB 1263

ORIGINAL

YEAR

2129 assessment program. Absent an interlocal agreement or county  
 2130 charter provision to the contrary, a municipality may elect to  
 2131 opt out of the requirements of this section notwithstanding the  
 2132 decision of the governing body of the county in which the  
 2133 municipality is located. A county or municipality may  
 2134 subsequently adopt an ordinance imposing an onsite sewage  
 2135 treatment and disposal system evaluation and assessment program  
 2136 if the program meets the requirements of this section. A county  
 2137 or municipality may repeal an ordinance adopted pursuant to this  
 2138 section if the county or municipality notifies the Secretary of  
 2139 State by letter of the repeal. No county or municipality may  
 2140 adopt an onsite sewer treatment and disposal system evaluation  
 2141 and assessment program except pursuant to this section and shall  
 2142 provide for the following:

2143 (a) Evaluations.—An evaluation of each onsite sewage  
 2144 treatment and disposal system within all or part of the county's  
 2145 or municipality's jurisdiction must take place once every 5  
 2146 years to assess the fundamental operational condition of the  
 2147 system and to identify system failures. The ordinance may not  
 2148 mandate an evaluation at the point of sale in a real estate  
 2149 transaction and may not require a soil examination. The location  
 2150 of the system shall be identified. A tank and drainfield  
 2151 evaluation and a written assessment of the overall condition of  
 2152 the system pursuant to the assessment procedure prescribed in  
 2153 paragraph (2) (d) are required.

2154 (b) Qualified contractors.—Each evaluation required under  
 2155 this subsection must be performed by a qualified contractor, who  
 2156 may be a septic tank contractor or master septic tank contractor

PCS for HB 1263

ORIGINAL

YEAR

2157 registered under part III of chapter 489, a professional  
 2158 engineer having wastewater treatment system experience and  
 2159 licensed under chapter 471, or an environmental health  
 2160 professional certified under this chapter in the area of onsite  
 2161 sewage treatment and disposal system evaluation. Evaluations and  
 2162 pump-outs may also be performed by an authorized employee  
 2163 working under the supervision of an individual listed in this  
 2164 paragraph; however, all evaluation forms must be signed by a  
 2165 qualified contractor in writing or by electronic signature.

2166 (c) Repair of systems.—The local ordinance may not require  
 2167 a repair, modification, or replacement of a system as a result  
 2168 of an evaluation unless the evaluation identifies a system  
 2169 failure. For purposes of this subsection, the term "system  
 2170 failure" means a condition existing within an onsite sewage  
 2171 treatment and disposal system that results in the discharge of  
 2172 untreated or partially treated wastewater onto the ground  
 2173 surface or into surface water or that results in the failure of  
 2174 building plumbing to discharge properly and presents a sanitary  
 2175 nuisance. A system is not in failure if the system does not have  
 2176 a minimum separation distance between the drainfield and the  
 2177 wettest season water table or if an obstruction in a sanitary  
 2178 line or an effluent screen or filter prevents effluent from  
 2179 flowing into a drainfield. If a system failure is identified and  
 2180 several allowable remedial measures are available to resolve the  
 2181 failure, the system owner may choose the least costly allowable  
 2182 remedial measure to fix the system. There may be instances in  
 2183 which a pump-out is sufficient to resolve a system failure.  
 2184 Allowable remedial measures to resolve a system failure are

PCS for HB 1263

ORIGINAL

YEAR

2185 limited to what is necessary to resolve the failure and must  
 2186 meet, to the maximum extent practicable, the requirements of the  
 2187 repair code in effect when the repair is made, subject to the  
 2188 exceptions specified in s. 381.0065(4)(g). An engineer-designed  
 2189 performance-based treatment system to reduce nutrients may not  
 2190 be required as an alternative remediation measure to resolve the  
 2191 failure of a conventional system.

2192 (d) Exemptions:

2193 1. The local ordinance shall exempt from the evaluation  
 2194 requirements any system that is required to obtain an operating  
 2195 permit pursuant to state law or that is inspected by the  
 2196 department pursuant to the annual permit inspection requirements  
 2197 of chapter 513.

2198 2. The local ordinance may provide for an exemption or an  
 2199 extension of time to obtain an evaluation and assessment if  
 2200 connection to a sewer system is available, connection to the  
 2201 sewer system is imminent, and written arrangements for payment  
 2202 of any utility assessments or connection fees have been made by  
 2203 the system owner.

2204 3. A septic tank system serving residential dwelling units  
 2205 on lots with a ratio of one bedroom per acre or greater is  
 2206 exempt from the requirements of this section and may not be  
 2207 included in any septic tank inspection program.

2208 (2) The following procedures shall be used for conducting  
 2209 evaluations:

2210 (a) Tank evaluation.—The tank evaluation shall assess the  
 2211 apparent structural condition and watertightness of the tank and  
 2212 shall estimate the size of the tank. The evaluation must include

PCS for HB 1263

ORIGINAL

YEAR

2213 a pump-out. However, an ordinance may not require a pump-out if  
 2214 there is documentation indicating that a tank pump-out or a  
 2215 permitted new installation, repair, or modification of the  
 2216 system has occurred within the previous 5 years, identifying the  
 2217 capacity of the tank, and indicating that the condition of the  
 2218 tank is structurally sound and watertight. Visual inspection of  
 2219 the tank must be made when the tank is empty to detect cracks,  
 2220 leaks, or other defects. Baffles or tees must be checked to  
 2221 ensure that they are intact and secure. The evaluation shall  
 2222 note the presence and condition of outlet devices, effluent  
 2223 filters, and compartment walls; any structural defect in the  
 2224 tank; the condition and fit of the tank lid, including manholes;  
 2225 whether surface water can infiltrate the tank; and whether the  
 2226 tank was pumped out. If the tank, in the opinion of the  
 2227 qualified contractor, is in danger of being damaged by leaving  
 2228 the tank empty after inspection, the tank shall be refilled  
 2229 before concluding the inspection. Broken or damaged lids or  
 2230 manholes shall be replaced without obtaining a repair permit.

2231 (b) Drainfield evaluation.—The drainfield evaluation must  
 2232 include a determination of the approximate size and location of  
 2233 the drainfield. The evaluation shall state whether there is any  
 2234 sewage or effluent visible on the ground or discharging to a  
 2235 ditch or other water body and the location of any downspout or  
 2236 other source of water near or in the vicinity of the drainfield.

2237 (c) Special circumstances.—If the system contains pumps,  
 2238 siphons, or alarms, the following information may be provided at  
 2239 the request of the homeowner:

2240 1. An assessment of dosing tank integrity, including the



PCS for HB 1263

ORIGINAL

YEAR

2241 approximate volume and the type of material used in the tank's  
 2242 construction;

2243 2. Whether the pump is elevated off the bottom of the  
 2244 chamber and its operational status;

2245 3. Whether the system has a check valve and purge hole;  
 2246 and

2247 4. Whether the system has a high-water alarm, and if so  
 2248 whether the alarm is audio or visual or both, the location and  
 2249 operational condition of the alarm, and whether the electrical  
 2250 connections to the alarm appear satisfactory.

2251 5. If the homeowner does not request this information,  
 2252 the qualified contractor and its employee shall not be liable  
 2253 for any damages directly relating from a failure of the system's  
 2254 pumps, siphons, or alarms. This exclusion of liability shall be  
 2255 stated on the front cover of the report required under paragraph  
 2256 (d).

2257 (d) Assessment procedure.—All evaluation procedures used  
 2258 by a qualified contractor shall be documented in the  
 2259 Environmental Health Database. The qualified contractor shall  
 2260 provide a copy of a written, signed evaluation report to the  
 2261 property owner upon completion of the evaluation and to the  
 2262 county health department within 30 days after the evaluation.  
 2263 The report shall contain the name and license number of the  
 2264 company providing the report. A copy of the evaluation report  
 2265 shall be retained by the local county health department for a  
 2266 minimum of 5 years and until a subsequent inspection report is  
 2267 filed. The front cover of the report must identify any system  
 2268 failure and include a clear and conspicuous notice to the owner

PCS for HB 1263

ORIGINAL

YEAR

2269 that the owner has a right to have any remediation of the  
 2270 failure performed by a qualified contractor other than the  
 2271 contractor performing the evaluation. The report must further  
 2272 identify any crack, leak, improper fit, or other defect in the  
 2273 tank, manhole, or lid, and any other damaged or missing  
 2274 component; any sewage or effluent visible on the ground or  
 2275 discharging to a ditch or other surface water body; any  
 2276 downspout, stormwater, or other source of water directed onto or  
 2277 toward the system; and any other maintenance need or condition  
 2278 of the system at the time of the evaluation that, in the opinion  
 2279 of the qualified contractor, would possibly interfere with or  
 2280 restrict any future repair or modification to the existing  
 2281 system. The report shall conclude with an overall assessment of  
 2282 the fundamental operational condition of the system.

2283 (3) The county health department shall administer any  
 2284 evaluation program on behalf of a county, or a municipality  
 2285 within the county, that has adopted an evaluation program  
 2286 pursuant to this section. In order to administer the evaluation  
 2287 program, the county or municipality, in consultation with the  
 2288 county health department, may develop a reasonable fee schedule  
 2289 to be used solely to pay for the costs of administering the  
 2290 evaluation program. Such a fee schedule shall be identified in  
 2291 the ordinance that adopts the evaluation program. When arriving  
 2292 at a reasonable fee schedule, the estimated annual revenues to  
 2293 be derived from fees may not exceed reasonable estimated annual  
 2294 costs of the program. Fees shall be assessed to the system owner  
 2295 during an inspection and separately identified on the invoice of  
 2296 the qualified contractor. Fees shall be remitted by the

PCS for HB 1263

ORIGINAL

YEAR

2297 qualified contractor to the county health department. The county  
 2298 health department's administrative responsibilities include the  
 2299 following:

2300 (a) Providing a notice to the system owner at least 60  
 2301 days before the system is due for an evaluation. The notice may  
 2302 include information on the proper maintenance of onsite sewage  
 2303 treatment and disposal systems.

2304 (b) In consultation with the Department of Health,  
 2305 providing uniform disciplinary procedures and penalties for  
 2306 qualified contractors who do not comply with the requirements of  
 2307 the adopted ordinance, including, but not limited to, failure to  
 2308 provide the evaluation report as required in this subsection to  
 2309 the system owner and the county health department. Only the  
 2310 county health department may assess penalties against system  
 2311 owners for failure to comply with the adopted ordinance,  
 2312 consistent with existing requirements of law.

2313 (4) (a) A county or municipality that adopts an onsite  
 2314 sewage treatment and disposal system evaluation and assessment  
 2315 program pursuant to this section shall notify the Secretary of  
 2316 Environmental Protection, the Department of Health, and the  
 2317 applicable county health department upon the adoption of its  
 2318 ordinance establishing the program.

2319 (b) Upon receipt of the notice under paragraph (a), the  
 2320 Department of Environmental Protection shall, within existing  
 2321 resources, notify the county or municipality of the potential  
 2322 use of, and access to, program funds under the Clean Water State  
 2323 Revolving Fund or s. 319 of the Clean Water Act, provide  
 2324 guidance in the application process to receive such moneys, and

PCS for HB 1263

ORIGINAL

YEAR

2325 provide advice and technical assistance to the county or  
 2326 municipality on how to establish a low-interest revolving loan  
 2327 program or how to model a revolving loan program after the low-  
 2328 interest loan program of the Clean Water State Revolving Fund.  
 2329 This paragraph does not obligate the Department of Environmental  
 2330 Protection to provide any county or municipality with money to  
 2331 fund such programs.

2332 (c) The Department of Health may not adopt any rule that  
 2333 alters the provisions of this section.

2334 (d) The Department of Health must provide access to the  
 2335 Environmental Health Database to county Health Departments and  
 2336 qualified contractors for use in the requirement of this section  
 2337 for the assimilation of data to track relevant information  
 2338 resulting from an assessment and evaluation of the overall  
 2339 condition of onsite sewage treatment and disposal systems. The  
 2340 Environmental Health Database shall be used by contractors to  
 2341 report all service and evaluation events and by the county  
 2342 health department to notify owners of onsite sewage treatment  
 2343 and disposal systems when evaluations are due. Data and  
 2344 information shall be recorded and updated as service and  
 2345 evaluations are conducted and reported.

2346 (5) This section does not:

2347 (a) Derogate or limit county and municipal home rule  
 2348 authority to act outside the scope of the evaluation and  
 2349 assessment program set forth in this section.

2350 (b) Repeal or affect any other law relating to the subject  
 2351 matter of this section.

2352 (c) Prohibit a county or municipality that has adopted an

PCS for HB 1263

ORIGINAL

YEAR

2353 evaluation and assessment program pursuant to this section from:

2354 1. Enforcing existing ordinances or adopting new  
 2355 ordinances relating to onsite sewage treatment facilities to  
 2356 address public health and safety if such ordinances do not  
 2357 repeal, suspend, or alter the requirements or limitations of  
 2358 this section.

2359 2. Adopting local environmental and pollution abatement  
 2360 measures for water quality improvement as provided for by law if  
 2361 such measures do not repeal, suspend, or alter the requirements  
 2362 or limitations of this section.

2363 3. Exercising its independent and existing authority to  
 2364 use and meet the requirements of s. 381.00655.

2365 Section 41. Section 381.00656, Florida Statutes, is  
 2366 repealed.

2367 Section 42. Subsection (2) of section 381.0066, Florida  
 2368 Statutes, is amended to read:

2369 381.0066 Onsite sewage treatment and disposal systems;  
 2370 fees.—

2371 (2) The minimum fees in the following fee schedule apply  
 2372 until changed by rule by the department within the following  
 2373 limits:

2374 (a) Application review, permit issuance, or system  
 2375 inspection, including repair of a subsurface, mound, filled, or  
 2376 other alternative system or permitting of an abandoned system: a  
 2377 fee of not less than \$25, or more than \$125.

2378 ~~(b) A 5-year evaluation report submitted pursuant to s.~~  
 2379 ~~381.0065(5): a fee not less than \$15, or more than \$30. At least~~  
 2380 ~~\$1 and no more than \$5 collected pursuant to this paragraph~~

PCS for HB 1263

ORIGINAL

YEAR

2381 ~~shall be used to fund a grant program established under s.~~  
 2382 ~~381.00656.~~

2383       (b)~~(e)~~ Site evaluation, site reevaluation, evaluation of a  
 2384 system previously in use, or a per annum septage disposal site  
 2385 evaluation: a fee of not less than \$40, or more than \$115.

2386       (c)~~(d)~~ Biennial Operating permit for aerobic treatment  
 2387 units or performance-based treatment systems: a fee of not more  
 2388 than \$100.

2389       (d)~~(e)~~ Annual operating permit for systems located in  
 2390 areas zoned for industrial manufacturing or equivalent uses or  
 2391 where the system is expected to receive wastewater which is not  
 2392 domestic in nature: a fee of not less than \$150, or more than  
 2393 \$300.

2394       (e)~~(f)~~ Innovative technology: a fee not to exceed \$25,000.

2395       (f)~~(g)~~ Septage disposal service, septage stabilization  
 2396 facility, portable or temporary toilet service, tank  
 2397 manufacturer inspection: a fee of not less than \$25, or more  
 2398 than \$200, per year.

2399       (g)~~(h)~~ Application for variance: a fee of not less than  
 2400 \$150, or more than \$300.

2401       (h)~~(i)~~ Annual operating permit for waterless,  
 2402 incinerating, or organic waste composting toilets: a fee of not  
 2403 less than \$15 ~~\$50~~, or more than \$30 ~~\$150~~.

2404       (i)~~(j)~~ Aerobic treatment unit or performance-based  
 2405 treatment system maintenance entity permit: a fee of not less  
 2406 than \$25, or more than \$150, per year.

2407       (j)~~(k)~~ Reinspection fee per visit for site inspection  
 2408 after system construction approval or for noncompliant system

PCS for HB 1263

ORIGINAL

YEAR

2409 installation per site visit: a fee of not less than \$25, or more  
2410 than \$100.

2411 (k)~~(l)~~ Research: An additional \$5 fee shall be added to  
2412 each new system construction permit issued to be used to fund  
2413 onsite sewage treatment and disposal system research,  
2414 demonstration, and training projects. Five dollars from any  
2415 repair permit fee collected under this section shall be used for  
2416 funding the hands-on training centers described in s.  
2417 381.0065(3) (j).

2418 (l)~~(m)~~ Annual operating permit, including annual  
2419 inspection and any required sampling and laboratory analysis of  
2420 effluent, for an engineer-designed performance-based system: a  
2421 fee of not less than \$150, or more than \$300.

2422  
2423 ~~On or before January 1, 2011, the Surgeon General, after~~  
2424 ~~consultation with the Revenue Estimating Conference, shall~~  
2425 ~~determine a revenue neutral fee schedule for services provided~~  
2426 ~~pursuant to s. 381.0065(5) within the parameters set in~~  
2427 ~~paragraph (b). Such determination is not subject to the~~  
2428 ~~provisions of chapter 120.~~ The funds collected pursuant to this  
2429 subsection must be deposited in a trust fund administered by the  
2430 department, to be used for the purposes stated in this section  
2431 and ss. 381.0065 and 381.00655.

2432 Section 43. Section 381.0068, Florida Statutes, is amended  
2433 to read:

2434 381.0068 Technical review and advisory panel.-

2435 (1) The Department of Health shall, ~~by July 1, 1996,~~  
2436 establish and staff a technical review and advisory panel to

PCS for HB 1263

ORIGINAL

YEAR

2437 assist the department with rule adoption.

2438 (2) The primary purpose of the panel is to assist the

2439 department in rulemaking and decisionmaking by drawing on the

2440 expertise of representatives from several groups that are

2441 affected by onsite sewage treatment and disposal systems. The

2442 panel may also review and comment on any legislation or any

2443 existing or proposed state policy or issue related to onsite

2444 sewage treatment and disposal systems. ~~If requested by the~~

2445 ~~panel, the chair will advise any affected person or member of~~

2446 ~~the Legislature of the panel's position on the legislation or~~

2447 ~~any existing or proposed state policy or issue.~~ The chair may

2448 also take such other action as is appropriate to allow the panel

2449 to function. At a minimum, the panel shall consist of a soil

2450 scientist; a professional engineer registered in this state who

2451 is recommended by the Florida Engineering Society and who has

2452 work experience in onsite sewage treatment and disposal systems;

2453 two representatives from the home-building industry recommended

2454 by the Florida Home Builders Association, including one who is a

2455 developer in this state who develops lots using onsite sewage

2456 treatment and disposal systems; a representative from the county

2457 health departments who has experience permitting and inspecting

2458 the installation of onsite sewage treatment and disposal systems

2459 in this state; a representative from the real estate industry

2460 who is recommended by the Florida Association of Realtors; a

2461 consumer representative with a science background; two

2462 representatives of the septic tank industry recommended by the

2463 Florida Onsite Wastewater Association, including one who is a

2464 manufacturer of onsite sewage treatment and disposal systems; a



PCS for HB 1263

ORIGINAL

YEAR

2465 representative from local government who is knowledgeable about  
 2466 domestic wastewater treatment and who is recommended by the  
 2467 Florida Association of Counties and the Florida League of  
 2468 Cities; and a representative from the environmental health  
 2469 profession who is recommended by the Florida Environmental  
 2470 Health Association and who is not employed by a county health  
 2471 department. Members are to be appointed for a term of 2 years.  
 2472 The panel may also, as needed, be expanded to include ad hoc,  
 2473 nonvoting representatives who have topic-specific expertise. All  
 2474 rules proposed by the department which relate to onsite sewage  
 2475 treatment and disposal systems must be presented to the panel  
 2476 for review and comment prior to adoption. The panel's position  
 2477 on proposed rules shall be made a part of the rulemaking record  
 2478 that is maintained by the agency. The panel shall select a  
 2479 chair, who shall serve for a period of 1 year and who shall  
 2480 direct, coordinate, and execute the duties of the panel. The  
 2481 panel shall also solicit input from the department's variance  
 2482 review and advisory committee before submitting any comments to  
 2483 the department concerning proposed rules. The panel's comments  
 2484 must include any dissenting points of view concerning proposed  
 2485 rules. The panel shall hold meetings as it determines necessary  
 2486 to conduct its business, except that the chair, a quorum of the  
 2487 voting members of the panel, or the department may call  
 2488 meetings. The department shall keep minutes of all meetings of  
 2489 the panel. Panel members shall serve without remuneration, but,  
 2490 if requested, shall be reimbursed for per diem and travel  
 2491 expenses as provided in s. 112.061.

2492 Section 44. Section 381.00781, Florida Statutes, is

PCS for HB 1263

ORIGINAL

YEAR

2493 amended to read:  
 2494 381.00781 Fees; disposition.—  
 2495 (1) The department shall establish by rule the following  
 2496 fees:  
 2497 (a) Fee for the initial licensure of a tattoo  
 2498 establishment and the renewal of such license, which, except as  
 2499 provided in subsection (2), may not exceed \$250 per year.  
 2500 (b) Fee for licensure of a temporary establishment, which,  
 2501 except as provided in subsection (2), may not exceed \$250.  
 2502 (c) Fee for the initial licensure of a tattoo artist and  
 2503 the renewal of such license, which, except as provided in  
 2504 subsection (2), may not exceed \$150 per year.  
 2505 (d) Fee for registration or reregistration of a guest  
 2506 tattoo artist, which, except as provided in subsection (2), may  
 2507 not exceed \$45.  
 2508 (e) Fee for reactivation of an inactive tattoo  
 2509 establishment license or tattoo artist license. A license  
 2510 becomes inactive if it is not renewed before the expiration of  
 2511 the current license.  
 2512 ~~(2) The department may annually adjust the maximum fees~~  
 2513 ~~authorized under subsection (1) according to the rate of~~  
 2514 ~~inflation or deflation indicated by the Consumer Price Index for~~  
 2515 ~~All Urban Consumers, U.S. City Average, All Items, as reported~~  
 2516 ~~by the United States Department of Labor.~~  
 2517 Section 45. Subsection (1) of section 381.0086, Florida  
 2518 Statutes, is amended to read:  
 2519 381.0086 Rules; variances; penalties.—  
 2520 (1) The department shall adopt rules necessary to protect

PCS for HB 1263

ORIGINAL

YEAR

2521 the health and safety of migrant farmworkers and other migrant  
 2522 labor camp or residential migrant housing occupants, including  
 2523 rules governing field sanitation facilities. These rules must  
 2524 include definitions of terms, ~~provisions relating to a process~~  
 2525 for plan review of the construction of new, expanded, or  
 2526 remodeled camps or residential migrant housing, sites, buildings  
 2527 and structures, and standards for personal hygiene facilities,  
 2528 ~~lighting,~~ sewage disposal, safety, minimum living space per  
 2529 occupant, bedding, food equipment, food storage and preparation,  
 2530 insect and rodent control, garbage, heating equipment, water  
 2531 supply, maintenance and operation of the camp, or housing, ~~or~~  
 2532 ~~roads,~~ and such other matters as the department finds to be  
 2533 appropriate or necessary to protect the life and health of the  
 2534 occupants. Housing operated by a public housing authority is  
 2535 exempt from the provisions of any administrative rule that  
 2536 conflicts with or is more stringent than the federal standards  
 2537 applicable to the housing.

2538 Section 46. Subsection (1) of section 381.0098, Florida  
 2539 Statutes, is amended to read:

2540 381.0098 Biomedical waste.—

2541 (1) LEGISLATIVE INTENT. ~~It is the intent of the~~  
 2542 ~~Legislature to protect the public health by establishing~~  
 2543 ~~standards for the safe packaging, transport, storage, treatment,~~  
 2544 ~~and disposal of biomedical waste.~~ Except as otherwise provided  
 2545 herein, the Department of Health shall regulate the packaging,  
 2546 transport, storage, and treatment of biomedical waste. The  
 2547 Department of Environmental Protection shall regulate onsite and  
 2548 offsite incineration and disposal of biomedical waste.

PCS for HB 1263

ORIGINAL

YEAR

2549 Consistent with the foregoing, the Department of Health shall  
 2550 have the exclusive authority to establish treatment efficacy  
 2551 standards for biomedical waste and the Department of  
 2552 Environmental Protection shall have the exclusive authority to  
 2553 establish statewide standards relating to environmental impacts,  
 2554 if any, of treatment and disposal including, but not limited to,  
 2555 water discharges and air emissions. An interagency agreement  
 2556 between the Department of Environmental Protection and the  
 2557 Department of Health shall be developed to ensure maximum  
 2558 efficiency in coordinating, administering, and regulating  
 2559 biomedical wastes.

2560 Section 47. Subsections (1), (2), and (4) of section  
 2561 381.0101, Florida Statutes, are amended, and subsequent  
 2562 subsections are renumbered, to read:

2563 381.0101 Environmental health professionals.—

2564 ~~(1) LEGISLATIVE INTENT. Persons responsible for providing~~  
 2565 ~~technical and scientific evaluations of environmental health and~~  
 2566 ~~sanitary conditions in business establishments and communities~~  
 2567 ~~throughout the state may create a danger to the public health if~~  
 2568 ~~they are not skilled or competent to perform such evaluations.~~  
 2569 ~~The public relies on the judgment of environmental health~~  
 2570 ~~professionals employed by both government agencies and~~  
 2571 ~~industries to assure them that environmental hazards are~~  
 2572 ~~identified and removed before they endanger the health or safety~~  
 2573 ~~of the public. The purpose of this section is to assure the~~  
 2574 ~~public that persons specifically responsible for performing~~  
 2575 ~~environmental health and sanitary evaluations have been~~  
 2576 ~~certified by examination as competent to perform such work.~~

PCS for HB 1263

ORIGINAL

YEAR

2577            (12) DEFINITIONS.—As used in this section:  
 2578            (a) "Board" means the Environmental Health Professionals  
 2579 Advisory Board.  
 2580            (b) "Department" means the Department of Health.  
 2581            (c) "Environmental health" means that segment of public  
 2582 health work which deals with the examination of those factors in  
 2583 the human environment which may impact adversely on the health  
 2584 status of an individual or the public.  
 2585            (d) "Environmental health professional" means a person who  
 2586 is employed or assigned the responsibility for assessing the  
 2587 environmental health or sanitary conditions, as defined by the  
 2588 department, within a building, on an individual's property, or  
 2589 within the community at large, and who has the knowledge,  
 2590 skills, and abilities to carry out these tasks. Environmental  
 2591 health professionals may be either field, supervisory, or  
 2592 administrative staff members.  
 2593            ~~(e) "Certified" means a person who has displayed~~  
 2594 ~~competency to perform evaluations of environmental or sanitary~~  
 2595 ~~conditions through examination.~~  
 2596            ~~(e)~~ (f) "Registered sanitarian," "R.S.," "Registered  
 2597 Environmental Health Specialist," or "R.E.H.S." means a person  
 2598 who has been certified by either the National Environmental  
 2599 Health Association or the Florida Environmental Health  
 2600 Association as knowledgeable in the environmental health  
 2601 profession.  
 2602            ~~(f)~~ (g) "Primary environmental health program" means ~~those~~  
 2603 ~~programs determined by the department to be essential for~~  
 2604 ~~providing basic environmental and sanitary protection to the~~

PCS for HB 1263

ORIGINAL

YEAR

2605 ~~public. At a minimum, these programs shall include~~ food  
 2606 protection program work and onsite sewage treatment and disposal  
 2607 system evaluations.

2608 (23) CERTIFICATION REQUIRED.—No person shall perform  
 2609 environmental health or sanitary evaluations in any primary  
 2610 program area of environmental health without being certified by  
 2611 the department as competent to perform such evaluations. This  
 2612 section does not apply to:

2613 (a) Persons performing inspections of public food service  
 2614 establishments licensed under chapter 509; or

2615 (b) Persons performing site evaluations in order to  
 2616 determine proper placement and installation of onsite wastewater  
 2617 treatment and disposal systems who have successfully completed a  
 2618 department-approved soils morphology course and who are working  
 2619 under the direct responsible charge of an engineer licensed  
 2620 under chapter 471.

2621 (34) ENVIRONMENTAL HEALTH PROFESSIONALS ADVISORY BOARD.—  
 2622 The State Health Officer shall appoint an advisory board to  
 2623 assist the department in the promulgation of rules for  
 2624 certification, testing, establishing standards, and seeking  
 2625 enforcement actions against certified professionals.

2626 (a) The board shall be comprised of the Bureau  
 2627 ~~Chief Division Director~~ for Environmental Health or his or her  
 2628 designee, one individual who will be certified under this  
 2629 section, one individual not employed in a governmental capacity  
 2630 who will or does employ a certified environmental health  
 2631 professional, one individual whose business is or will be  
 2632 evaluated by a certified environmental health professional, a

PCS for HB 1263

ORIGINAL

YEAR

2633 citizen of the state who neither employs nor is routinely  
 2634 evaluated by a person certified under this section.

2635 (b) The board shall advise the department as to the  
 2636 minimum disciplinary guidelines and standards of competency and  
 2637 proficiency necessary to obtain certification in a primary area  
 2638 of environmental health practice.

2639 1. The board shall recommend primary areas of  
 2640 environmental health practice in which environmental health  
 2641 professionals should be required to obtain certification.

2642 2. The board shall recommend minimum standards of practice  
 2643 which the department shall incorporate into rule.

2644 3. The board shall evaluate and recommend to the  
 2645 department existing registrations and certifications which meet  
 2646 or exceed minimum department standards and should, therefore,  
 2647 exempt holders of such certificates or registrations from  
 2648 compliance with this section.

2649 4. The board shall hear appeals of certificate denials,  
 2650 revocation, or suspension and shall advise the department as to  
 2651 the disposition of such an appeal.

2652 5. The board shall meet as often as necessary, but no less  
 2653 than semiannually, handle appeals to the department, and conduct  
 2654 other duties of the board.

2655 6. Members of the board shall receive no compensation but  
 2656 are entitled to reimbursement for per diem and travel expenses  
 2657 in accordance with s. 112.061.

2658 Section 81. Section 381.0201, Florida Statutes, is  
 2659 repealed.

2660 Section 48. Section 381.0203, Florida Statutes, is amended

PCS for HB 1263

ORIGINAL

YEAR

2661 to read:  
 2662 381.0203 Pharmacy services.—  
 2663 (1) The department may contract on a statewide basis for  
 2664 the purchase of drugs, as defined in s. 499.003, to be used by  
 2665 state agencies and political subdivisions, and may adopt rules  
 2666 to administer this section.  
 2667 (2) The department shall establish and maintain a pharmacy  
 2668 services program, including, but not limited to:  
 2669 (a) A central pharmacy to support pharmaceutical services  
 2670 provided by the county health departments, including  
 2671 pharmaceutical repackaging, dispensing, and the purchase and  
 2672 distribution of immunizations and other pharmaceuticals.  
 2673 ~~(b) Regulation of drugs, cosmetics, and household products~~  
 2674 ~~pursuant to chapter 499.~~  
 2675 (be) Consultation to county health departments as required  
 2676 by s. 154.04(1)(c).  
 2677 ~~(d) A contraception distribution program which shall be~~  
 2678 ~~implemented, to the extent resources permit, through the~~  
 2679 ~~licensed pharmacies of county health departments. A woman who is~~  
 2680 ~~eligible for participation in the contraceptive distribution~~  
 2681 ~~program is deemed a patient of the county health department.~~  
 2682 ~~1. To be eligible for participation in the program a woman~~  
 2683 ~~must:~~  
 2684 ~~a. Be a client of the department or the Department of~~  
 2685 ~~Children and Family Services.~~  
 2686 ~~b. Be of childbearing age with undesired fertility.~~  
 2687 ~~c. Have an income between 150 and 200 percent of the~~  
 2688 ~~federal poverty level.~~



PCS for HB 1263

ORIGINAL

YEAR

2689 ~~—— d. Have no Medicaid benefits or applicable health~~  
 2690 ~~insurance benefits.~~  
 2691 ~~—— e. Have had a medical examination by a licensed health~~  
 2692 ~~care provider within the past 6 months.~~  
 2693 ~~—— f. Have a valid prescription for contraceptives that are~~  
 2694 ~~available through the contraceptive distribution program.~~  
 2695 ~~—— g. Consent to the release of necessary medical information~~  
 2696 ~~to the county health department.~~  
 2697 ~~—— 2. Fees charged for the contraceptives under the program~~  
 2698 ~~must cover the cost of purchasing and providing contraceptives~~  
 2699 ~~to women participating in the program.~~  
 2700 ~~—— 3. The department may adopt rules to administer this~~  
 2701 ~~program.~~

2702 Section 49. Subsection (1) of section 381.0261, Florida  
 2703 Statutes, is amended to read:

2704 381.0261 Summary of patient's bill of rights;  
 2705 distribution; penalty.—

2706 (1) The Department of Health~~Agency for Health Care~~  
 2707 ~~Administration~~ shall publish on its Internet website~~have printed~~  
 2708 ~~and made continuously available to health care facilities~~  
 2709 ~~licensed under chapter 395, physicians licensed under chapter~~  
 2710 ~~458, osteopathic physicians licensed under chapter 459, and~~  
 2711 ~~pediatric physicians licensed under chapter 461~~ a summary of the  
 2712 Florida Patient's Bill of Rights and Responsibilities. In  
 2713 adopting and making available to patients the summary of the  
 2714 Florida Patient's Bill of Rights and Responsibilities, health  
 2715 care providers and health care facilities are not limited to the  
 2716 format in which the Department of Health~~Agency for Health Care~~

PCS for HB 1263

ORIGINAL

YEAR

2717 ~~Administration publishes~~prints and distributes the summary.  
 2718       Section 50. Section 381.0301, Florida Statutes, is amended  
 2719 to read:  
 2720       381.0301 Education and resource development.—  
 2721       ~~(1) The department shall foster the recruitment,~~  
 2722 ~~retention, and continuing education and training of health~~  
 2723 ~~professionals and managers needed to administer the public~~  
 2724 ~~health mission. This responsibility shall be conducted in~~  
 2725 ~~cooperation with federal, state, and local agencies whose~~  
 2726 ~~purpose is to prepare persons for service in public health,~~  
 2727 ~~especially the Centers for Disease Control and Prevention, the~~  
 2728 ~~State University System, Florida medical schools, and the~~  
 2729 ~~College of Public Health of the University of South Florida. To~~  
 2730 ~~support the department in this endeavor:~~  
 2731       ~~(2) The Legislature intends that the College of Public~~  
 2732 ~~Health of the University of South Florida assume a leadership~~  
 2733 ~~role within the public health system through the development of~~  
 2734 ~~academic programs intended to meet this state's unique health~~  
 2735 ~~care, environmental, economic, political, and social service~~  
 2736 ~~needs. Beyond its roles as educator of public health~~  
 2737 ~~professionals in this state and as sponsor of relevant academic~~  
 2738 ~~research, the School of Public Health shall be consulted by the~~  
 2739 ~~public officials of this state in the management of public~~  
 2740 ~~health affairs.~~  
 2741       Section 51. Section 381.0302, Florida Statutes, is  
 2742 repealed.  
 2743       Section 52. Subsection (5) of section 381.0303, Florida  
 2744 Statutes, is amended to read:

PCS for HB 1263

ORIGINAL

YEAR

2745 | 381.0303 Special needs shelters.—  
 2746 | (5) SPECIAL NEEDS SHELTER INTERAGENCY COMMITTEE.—The State  
 2747 | Surgeon General may establish a special needs shelter  
 2748 | interagency committee and serve as, or appoint a designee to  
 2749 | serve as, the committee's chair. The department shall provide  
 2750 | any necessary staff and resources to support the committee in  
 2751 | the performance of its duties. The committee shall address and  
 2752 | resolve problems related to special needs shelters not addressed  
 2753 | in the state comprehensive emergency medical plan and shall  
 2754 | consult on the planning and operation of special needs shelters.  
 2755 | (a) The committee shall:  
 2756 | ~~1. Develop, negotiate, and regularly review any necessary~~  
 2757 | ~~interagency agreements, and~~  
 2758 | ~~2. Undertake other such activities as the department~~  
 2759 | ~~deems necessary to facilitate the implementation of this~~  
 2760 | ~~section.~~  
 2761 | ~~3. Submit recommendations to the Legislature as necessary.~~  
 2762 | (b) The special needs shelter interagency committee shall  
 2763 | be composed of representatives of emergency management, health,  
 2764 | medical, and social services organizations. Membership shall  
 2765 | include, but shall not be limited to, representatives of the  
 2766 | Departments of Health, Children and Family Services, Elderly  
 2767 | Affairs, and Education; the Agency for Health Care  
 2768 | Administration; the Division of Emergency Management; the  
 2769 | Florida Medical Association; the Florida Osteopathic Medical  
 2770 | Association; Associated Home Health Industries of Florida, Inc.;  
 2771 | the Florida Nurses Association; the Florida Health Care  
 2772 | Association; the Florida Assisted Living Affiliation; the

PCS for HB 1263

ORIGINAL

YEAR

2773 Florida Hospital Association; the Florida Statutory Teaching  
 2774 Hospital Council; the Florida Association of Homes for the  
 2775 Aging; the Florida Emergency Preparedness Association; the  
 2776 American Red Cross; Florida Hospices and Palliative Care, Inc.;  
 2777 the Association of Community Hospitals and Health Systems; the  
 2778 Florida Association of Health Maintenance Organizations; the  
 2779 Florida League of Health Systems; the Private Care Association;  
 2780 the Salvation Army; the Florida Association of Aging Services  
 2781 Providers; the AARP; and the Florida Renal Coalition.

2782 (c) Meetings of the committee shall be held in  
 2783 Tallahassee, and members of the committee shall serve at the  
 2784 expense of the agencies or organizations they represent. The  
 2785 committee shall make every effort to use teleconference or  
 2786 videoconference capabilities in order to ensure statewide input  
 2787 and participation.

2788 Section 53. Section 381.04015, Florida Statutes, is  
 2789 repealed.

2790 Section 54. Section 381.0402, Florida Statutes, is  
 2791 repealed.

2792 Section 55. Subsections (1), (2), (3), and (4) of section  
 2793 381.0403, Florida Statutes, are amended to read:

2794 381.0403 The Community Hospital Education Act.—

2795 (1) SHORT TITLE.—This section shall be known and cited as  
 2796 "The Community Hospital Education Act."

2797 (2) ~~LEGISLATIVE INTENT.—~~

2798 ~~(a) It is the intent of the Legislature that health care~~  
 2799 ~~services for the citizens of this state be upgraded and that a~~  
 2800 ~~program for continuing these services be maintained through a~~

PCS for HB 1263

ORIGINAL

YEAR

2801 ~~plan for community medical education. The~~ A program is intended  
 2802 established to plan for community medical education, provide  
 2803 additional outpatient and inpatient services, ~~a continuing~~  
 2804 increase the supply of highly trained physicians, and expand  
 2805 graduate medical education.

2806 ~~(b) The Legislature further acknowledges the critical need~~  
 2807 ~~for increased numbers of primary care physicians to provide the~~  
 2808 ~~necessary current and projected health and medical services. In~~  
 2809 ~~order to meet both present and anticipated needs, the~~  
 2810 ~~Legislature supports an expansion in the number of family~~  
 2811 ~~practice residency positions. The Legislature intends that the~~  
 2812 ~~funding for graduate education in family practice be maintained~~  
 2813 ~~and that funding for all primary care specialties be provided at~~  
 2814 ~~a minimum of \$10,000 per resident per year. Should funding for~~  
 2815 ~~this act remain constant or be reduced, it is intended that all~~  
 2816 ~~programs funded by this act be maintained or reduced~~  
 2817 ~~proportionately.~~

2818 (3) PROGRAM FOR COMMUNITY HOSPITAL EDUCATION; STATE AND  
 2819 LOCAL PLANNING.—

2820 (a) ~~There is established under the Department of Health a~~  
 2821 ~~program for statewide graduate medical education. It is intended~~  
 2822 ~~that continuing graduate medical education programs for interns~~  
 2823 ~~and residents be established on a statewide basis. The program~~  
 2824 shall provide financial support for primary care specialty  
 2825 interns and residents based on ~~policies recommended and approved~~  
 2826 by recommendations of the Community Hospital Education Council,  
 2827 herein established, and the Department of Health, ~~—~~ as authorized  
 2828 by the General Appropriations Act. Only those programs with at

PCS for HB 1263

ORIGINAL

YEAR

2829 | least three residents or interns in each year of the training  
 2830 | program are qualified to apply for financial support. Programs  
 2831 | with fewer than three residents or interns per training year are  
 2832 | qualified to apply for financial support, but only if the  
 2833 | appropriate accrediting entity for the particular specialty has  
 2834 | approved the program for fewer positions. New pPrograms ~~added~~  
 2835 | ~~after fiscal year 1997-1998~~ shall have 5 years to attain the  
 2836 | requisite number of residents or interns. When feasible and to  
 2837 | the extent allowed through the General Appropriations Act, state  
 2838 | funds shall be used to generate federal matching funds under  
 2839 | Medicaid, or other federal programs, and the resulting combined  
 2840 | state and federal funds shall be allocated to participating  
 2841 | hospitals for the support of graduate medical education.

2842 |         (b) For the purposes of this section, primary care  
 2843 | specialties include emergency medicine, family practice,  
 2844 | internal medicine, pediatrics, psychiatry,  
 2845 | obstetrics/gynecology, and combined pediatrics and internal  
 2846 | medicine, and other primary care specialties as may be included  
 2847 | by the council and Department of Health.

2848 |         (c) Medical institutions throughout the state may apply to  
 2849 | the Community Hospital Education Council for grants-in-aid for  
 2850 | financial support of their approved programs. Recommendations  
 2851 | for funding of approved programs shall be forwarded to the  
 2852 | Department of Health.

2853 |         (d) The program shall provide a plan for community  
 2854 | clinical teaching and training with the cooperation of the  
 2855 | medical profession, hospitals, and clinics. The plan shall also  
 2856 | include formal teaching opportunities for intern and resident

PCS for HB 1263

ORIGINAL

YEAR

2857 training. In addition, the plan shall establish an off-campus  
 2858 medical faculty with university faculty review to be located  
 2859 throughout the state in local communities.

2860 (4) PROGRAM FOR GRADUATE MEDICAL EDUCATION INNOVATIONS.—

2861 (a) There is established under the Department of Health a  
 2862 program for fostering graduate medical education innovations.  
 2863 Funds appropriated annually by the Legislature for this purpose  
 2864 shall be distributed to participating hospitals or consortia of  
 2865 participating hospitals and Florida medical schools or to a  
 2866 Florida medical school for the direct costs of providing  
 2867 graduate medical education in community-based clinical settings  
 2868 on a competitive grant or formula basis to achieve state health  
 2869 care workforce policy objectives, including, but not limited to:

2870 1. Increasing the number of residents in primary care and  
 2871 other high demand specialties or fellowships;

2872 2. Enhancing retention of primary care physicians in  
 2873 Florida practice;

2874 3. Promoting practice in medically underserved areas of  
 2875 the state;

2876 4. Encouraging racial and ethnic diversity within the  
 2877 state's physician workforce; and

2878 5. Encouraging increased production of geriatricians.

2879 (b) Participating hospitals or consortia of participating  
 2880 hospitals and Florida medical schools or a Florida medical  
 2881 school providing graduate medical education in community-based  
 2882 clinical settings may apply to the Community Hospital Education  
 2883 Council for funding under this innovations program. Innovations  
 2884 program funding shall be allocated ~~provide funding~~ based on

PCS for HB 1263

ORIGINAL

YEAR

2885 recommendations of policies recommended and approved by the  
 2886 Community Hospital Education Council and the Department of  
 2887 Health, as authorized by the General Appropriations Act.

2888 (c) Participating hospitals or consortia of participating  
 2889 hospitals and Florida medical schools or Florida medical schools  
 2890 awarded an innovations grant shall provide the Community  
 2891 Hospital Education Council and Department of Health with an  
 2892 annual report on their project.

2893 Section 56. Subscetion (7) of section 381.0405, Florida  
 2894 Statutes, is amended to read:

2895 381.0405 Office of Rural Health.-

2896 ~~(7) APPROPRIATION. The Legislature shall appropriate such~~  
 2897 ~~sums as are necessary to support the Office of Rural Health.~~

2898 Section 57. Subsection (3) of section 381.0406, Florida  
 2899 Statutes, is amended to read:

2900 381.0406 Rural health networks.-

2901 (3) ~~Because each rural area is unique, with a different~~  
 2902 ~~health care provider mix, h~~Health care provider membership may  
 2903 vary, but all networks shall include members that provide public  
 2904 health, comprehensive primary care, emergency medical care, and  
 2905 acute inpatient care.

2906 Section 58. Effective October 1, 2014, section 381.0407,  
 2907 Florida Statutes, is repealed.

2908 Section 59. Section 381.045, Florida Statutes, is  
 2909 repealed.

2910 Section 60. Subsection (7) of section 381.06015, Florida  
 2911 Statutes, is amended to read:

2912 381.06015 Public Cord Blood Tissue Bank.-



PCS for HB 1263

ORIGINAL

YEAR

2913 ~~(7) In order to fund the provisions of this section the~~  
 2914 ~~consortium participants, the Agency for Health Care~~  
 2915 ~~Administration, and the Department of Health shall seek private~~  
 2916 ~~or federal funds to initiate program actions for fiscal year~~  
 2917 ~~2000-2001.~~

2918 Section 61. Section 381.0605, Florida Statutes, is  
 2919 repealed.

2920 Section 62. Section 381.102, Florida Statutes, is  
 2921 repealed.

2922 Section 63. Section 381.103, Florida Statutes, is  
 2923 repealed.

2924 Section 64. Subsection (2) of section 381.4018, Florida  
 2925 Statutes, is amended, and subsequent subsections are renumbered,  
 2926 to read:

2927 381.4018 Physician workforce assessment and development.-

2928 ~~(2) LEGISLATIVE INTENT. The Legislature recognizes that~~  
 2929 ~~physician workforce planning is an essential component of~~  
 2930 ~~ensuring that there is an adequate and appropriate supply of~~  
 2931 ~~well-trained physicians to meet this state's future health care~~  
 2932 ~~service needs as the general population and elderly population~~  
 2933 ~~of the state increase. The Legislature finds that items to~~  
 2934 ~~consider relative to assessing the physician workforce may~~  
 2935 ~~include physician practice status; specialty mix; geographic~~  
 2936 ~~distribution; demographic information, including, but not~~  
 2937 ~~limited to, age, gender, race, and cultural considerations; and~~  
 2938 ~~needs of current or projected medically underserved areas in the~~  
 2939 ~~state. Long-term strategic planning is essential as the period~~  
 2940 ~~from the time a medical student enters medical school to~~

PCS for HB 1263

ORIGINAL

YEAR

2941 ~~completion of graduate medical education may range from 7 to 10~~  
 2942 ~~years or longer. The Legislature recognizes that strategies to~~  
 2943 ~~provide for a well-trained supply of physicians must include~~  
 2944 ~~ensuring the availability and capacity of quality medical~~  
 2945 ~~schools and graduate medical education programs in this state,~~  
 2946 ~~as well as using new or existing state and federal programs~~  
 2947 ~~providing incentives for physicians to practice in needed~~  
 2948 ~~specialties and in underserved areas in a manner that addresses~~  
 2949 ~~projected needs for physician manpower.~~

2950       Section 65. Section 381.60225, Florida Statutes, is  
 2951 repealed.

2952       Section 66. Section 381.732, Florida Statutes, is  
 2953 repealed.

2954       Section 67. Section 381.733, Florida Statutes, is  
 2955 repealed.

2956       Section 68. Section 381.734, Florida Statutes, is  
 2957 repealed.

2958       Section 69. Section 381.7352, Florida Statutes, is amended  
 2959 to read:

2960       381.7352 Legislative findings and intent.—

2961       ~~(1) The Legislature finds that despite state investments~~  
 2962 ~~in health care programs, certain racial and ethnic populations~~  
 2963 ~~in Florida continue to have significantly poorer health outcomes~~  
 2964 ~~when compared to non-Hispanic whites. The Legislature finds that~~  
 2965 ~~local solutions to health care problems can have a dramatic and~~  
 2966 ~~positive effect on the health status of these populations. Local~~  
 2967 ~~governments and communities are best equipped to identify the~~  
 2968 ~~health education, health promotion, and disease prevention needs~~

PCS for HB 1263

ORIGINAL

YEAR

2969 ~~of the racial and ethnic populations in their communities,~~  
 2970 ~~mobilize the community to address health outcome disparities,~~  
 2971 ~~enlist and organize local public and private resources, and~~  
 2972 ~~faith-based organizations to address these disparities, and~~  
 2973 ~~evaluate the effectiveness of interventions.~~

2974 ~~——(2)~~ It is ~~therefore~~ the intent of the Legislature to  
 2975 provide funds within Florida counties and Front Porch Florida  
 2976 Communities, in the form of Reducing Racial and Ethnic Health  
 2977 Disparities: Closing the Gap grants, to stimulate the  
 2978 development of community-based and neighborhood-based projects  
 2979 which will improve the health outcomes of racial and ethnic  
 2980 populations. Further, it is the intent of the Legislature that  
 2981 these programs foster the development of coordinated,  
 2982 collaborative, and broad-based participation by public and  
 2983 private entities, and faith-based organizations. Finally, it is  
 2984 the intent of the Legislature that the grant program function as  
 2985 a partnership between state and local governments, faith-based  
 2986 organizations, and private sector health care providers,  
 2987 including managed care, voluntary health care resources, social  
 2988 service providers, and nontraditional partners.

2989 Section 70. Subsection (3) of section 381.7353, Florida  
 2990 Statutes, is amended, to read:

2991 381.7353 Reducing Racial and Ethnic Health Disparities:  
 2992 Closing the Gap grant program; administration; department  
 2993 duties.—

2994 ~~(3) Pursuant to s. 20.43(6), the State Surgeon General may~~  
 2995 ~~appoint an ad hoc advisory committee to: examine areas where~~  
 2996 ~~public awareness, public education, research, and coordination~~

PCS for HB 1263

ORIGINAL

YEAR

2997 ~~regarding racial and ethnic health outcome disparities are~~  
 2998 ~~lacking; consider access and transportation issues which~~  
 2999 ~~contribute to health status disparities; and make~~  
 3000 ~~recommendations for closing gaps in health outcomes and~~  
 3001 ~~increasing the public's awareness and understanding of health~~  
 3002 ~~disparities that exist between racial and ethnic populations.~~

3003 Section 71. Subsection (4) of section 381.7356, Florida  
 3004 Statutes, is amended, and subsequent subsections are renumbered,  
 3005 to read:

3006 381.7356 Local matching funds; grant awards.—

3007 ~~(4) Dissemination of grant awards shall begin no later~~  
 3008 ~~than January 1, 2001.~~

3009 Section 72. Subsection (3) of section 381.765, Florida  
 3010 Statutes, is amended to read:

3011 381.765 Retention of title to and disposal of equipment.—

3012 (1) The department may retain title to any property,  
 3013 tools, instruments, training supplies, equipment, or other items  
 3014 of value acquired for services provided under the brain and  
 3015 spinal cord injury program or for personnel employed in  
 3016 operating the brain and spinal cord injury program, and may  
 3017 repossess or transfer such property, tools, instruments,  
 3018 supplies, equipment, or other items of value.

3019 (2) The department may offer for sale any surplus items  
 3020 acquired in operating the brain and spinal cord injury program  
 3021 when they are no longer necessary or exchange them for necessary  
 3022 items that may be used to greater advantage. When any such  
 3023 surplus equipment is sold or exchanged, a receipt for the  
 3024 equipment shall be taken from the purchaser showing the

PCS for HB 1263

ORIGINAL

YEAR

3025 consideration given for such equipment and forwarded to the  
 3026 Chief Financial Officer, and any funds received by the brain and  
 3027 spinal cord injury program pursuant to any such transaction  
 3028 shall be deposited in the Brain and Spinal Cord Injury Program  
 3029 Trust Fund and shall be available for expenditure for any  
 3030 purpose consistent with ss. 381.739-381.79.

3031 ~~(3) The department may adopt rules relating to records and~~  
 3032 ~~recordkeeping for department-owned property referenced in~~  
 3033 ~~subsections (1) and (2).~~

3034 Section 73. Section 381.77, Florida Statutes, is repealed.

3035 Section 74. Section 381.795, Florida Statutes, is  
 3036 repealed.

3037 Section 75. Subsection (1) of section 381.853, Florida  
 3038 Statutes, is removed, and subsequent subsections renumbered, to  
 3039 read:

3040 381.853 Florida Center for Brain Tumor Research.—

3041 ~~(1) The Legislature finds that each year an estimated~~  
 3042 ~~190,000 citizens of the United States are diagnosed with~~  
 3043 ~~cancerous and noncancerous brain tumors and that biomedical~~  
 3044 ~~research is the key to finding cures for these tumors. The~~  
 3045 ~~Legislature further finds that, although brain tumor research is~~  
 3046 ~~being conducted throughout the state, there is a lack of~~  
 3047 ~~coordinated efforts among researchers and health care providers.~~  
 3048 ~~Therefore, the Legislature finds that there is a significant~~  
 3049 ~~need for a coordinated effort to achieve the goal of curing~~  
 3050 ~~brain tumors. The Legislature further finds that the biomedical~~  
 3051 ~~technology sector meets the criteria of a high-impact sector,~~  
 3052 ~~pursuant to s. 288.108(6), having a high importance to the~~

PCS for HB 1263

ORIGINAL

YEAR

3053 ~~state's economy with a significant potential for growth and~~  
 3054 ~~contribution to our universities and quality of life.~~  
 3055       Section 76. Section 381.855, Florida Statutes, is  
 3056 repealed.  
 3057       Section 77. Section 381.87, Florida Statutes, is repealed.  
 3058       Section 78. Section 381.895, Florida Statutes, is  
 3059 repealed.  
 3060       Section 79. Section 381.90, Florida Statutes, is repealed.  
 3061       Section 80. Subsection (1) of section 381.91, Florida  
 3062 Statutes, is amended to read:  
 3063       381.91 Jessie Trice Cancer Prevention Program.—  
 3064       (1) It is the intent of the Legislature to:  
 3065       ~~(a) Reduce the rates of illness and death from lung cancer~~  
 3066 ~~and other cancers and improve the quality of life among low-~~  
 3067 ~~income African-American and Hispanic populations through~~  
 3068 ~~increased access to early, effective screening and diagnosis,~~  
 3069 ~~education, and treatment programs.~~  
 3070       ~~(b) Create a community faith-based disease-prevention~~  
 3071 ~~program in conjunction with the Health Choice Network and other~~  
 3072 ~~community health centers to build upon the natural referral and~~  
 3073 ~~education networks in place within minority communities and to~~  
 3074 ~~increase access to health service delivery in Florida, and.~~  
 3075       ~~(c) Establish a funding source to build upon local~~  
 3076 ~~private participation to sustain the operation of the program.~~  
 3077       Section 81. Subsection (5) of section 381.922, Florida  
 3078 Statutes, is amended to read:  
 3079       381.922 William G. "Bill" Bankhead, Jr., and David Coley  
 3080 Cancer Research Program.—

PCS for HB 1263

ORIGINAL

YEAR

3081 (5) The William G. "Bill" Bankhead, Jr., and David Coley  
 3082 Cancer Research Program is funded pursuant to s. 215.5602(12).  
 3083 Funds appropriated for the William G. "Bill" Bankhead, Jr., and  
 3084 David Coley Cancer Research Program shall be distributed  
 3085 pursuant to this section to provide grants to researchers  
 3086 seeking cures for cancer and cancer-related illnesses, with  
 3087 emphasis given to the goals enumerated in this section. From the  
 3088 total funds appropriated, an amount of up to 10 percent may be  
 3089 used for administrative expenses. ~~From funds appropriated to~~  
 3090 ~~accomplish the goals of this section, up to \$250,000 shall be~~  
 3091 ~~available for the operating costs of the Florida Center for~~  
 3092 ~~Universal Research to Eradicate Disease.~~

3093 Section 82. Section 385.210, Florida Statutes, is  
 3094 repealed.

3095 Section 83. Section 391.016, Florida Statutes, is amended  
 3096 to read:

3097 391.016 Purposes and functions~~Legislative intent.~~—The  
 3098 ~~Legislature intends that the~~ Children's Medical Services program  
 3099 is established for the following purposes and authorized to  
 3100 perform the following functions:

3101 (1) Provide to children with special health care needs a  
 3102 family-centered, comprehensive, and coordinated statewide  
 3103 managed system of care that links community-based health care  
 3104 with multidisciplinary, regional, and tertiary pediatric  
 3105 specialty care. The program shall coordinate and maintain a  
 3106 consistent ~~may provide for the coordination and maintenance of~~  
 3107 ~~consistency of the~~ medical home for participating ~~in~~  
 3108 ~~families with a Children's Medical Services program participant,~~

PCS for HB 1263

ORIGINAL

YEAR

3109 ~~in order to achieve family-centered care.~~

3110 (2) Provide essential preventive, evaluative, and early  
 3111 intervention services for children at risk for or having special  
 3112 health care needs, in order to prevent or reduce long-term  
 3113 disabilities.

3114 (3) Establish and maintain a provider service network~~Serve~~  
 3115 ~~as a principal provider~~ for children with special health care  
 3116 needs under Titles XIX and XXI of the Social Security Act and  
 3117 other eligible children.

3118 ~~(4) Be complementary to children's health training~~  
 3119 ~~programs essential for the maintenance of a skilled pediatric~~  
 3120 ~~health care workforce for all Floridians.~~

3121 Section 84. Section 391.021, Florida Statutes, is amended  
 3122 to read:

3123 391.021 Definitions.—~~When used in this act, unless the~~  
 3124 ~~context clearly indicates otherwise:~~

3125 (1) "Children's Medical Services network" or "network"  
 3126 means a statewide provider service network~~managed care service~~  
 3127 ~~system that includes health care providers, as defined in this~~  
 3128 ~~section.~~

3129 (2) "Children with special health care needs" means those  
 3130 children younger than 21 years of age who have chronic and  
 3131 serious physical, developmental, behavioral, or emotional  
 3132 conditions and who ~~also~~ require health care and related services  
 3133 of a type or amount beyond that which is generally required by  
 3134 children.

3135 (3) "Department" means the Department of Health.

3136 (4) "Eligible individual" means a child with a special



PCS for HB 1263

ORIGINAL

YEAR

3137 health care need or a female with a high-risk pregnancy, who  
 3138 meets the financial and medical eligibility standards  
 3139 established in s. 391.029.

3140 (5) "Health care provider" means a health care  
 3141 professional, health care facility, or entity licensed or  
 3142 certified to provide health services in this state that meets  
 3143 the criteria as established by the department.

3144 (6) "Health services" includes the prevention, diagnosis,  
 3145 and treatment of human disease, pain, injury, deformity, or  
 3146 disabling conditions.

3147 (7) "Participant" means an eligible individual who is  
 3148 enrolled in the Children's Medical Services program.

3149 (8) "Program" means the Children's Medical Services  
 3150 program established in the department.

3151 Section 85. Section 391.025, Florida Statutes, is amended  
 3152 to read:

3153 391.025 Applicability and scope.—

3154 (1) The Children's Medical Services program consists of  
 3155 the following components:

3156 (a) The newborn screening program established in s.  
 3157 383.14.

3158 (b) The regional perinatal intensive care centers program  
 3159 established in ss. 383.15-383.21.

3160 ~~(c) A federal or state program authorized by the~~  
 3161 ~~Legislature.~~

3162 (c) The developmental evaluation and intervention  
 3163 program, including the Florida Infants and Toddlers Early  
 3164 Intervention Program.

PCS for HB 1263

ORIGINAL

YEAR

3165            (de) The Children's Medical Services network.  
 3166            (2) The Children's Medical Services program shall not be  
 3167 deemed an insurer and is not subject to the licensing  
 3168 requirements of the Florida Insurance Code or the rules adopted  
 3169 thereunder, ~~when providing services to children who receive~~  
 3170 ~~Medicaid benefits, other Medicaid eligible children with special~~  
 3171 ~~health care needs, and children participating in the Florida~~  
 3172 ~~Kidcare program.~~  
 3173            Section 86. Section 391.026, Florida Statutes, is amended  
 3174 to read:  
 3175            391.026 Powers and duties of the department.—The  
 3176 department shall have the following powers, duties, and  
 3177 responsibilities:  
 3178            (1) To provide or contract for the provision of health  
 3179 services to eligible individuals.  
 3180            (2) To ~~determine the medical and financial eligibility~~  
 3181 ~~standards for the program and to determine the medical and~~  
 3182 financial eligibility of individuals seeking health services  
 3183 from the program.  
 3184            ~~(3) To recommend priorities for the implementation of~~  
 3185 ~~comprehensive plans and budgets.~~  
 3186            (34) To coordinate a comprehensive delivery system for  
 3187 eligible individuals to take maximum advantage of all available  
 3188 funds.  
 3189            (45) To ~~promote, establish, and coordinate~~ with programs  
 3190 relating to children's medical services in cooperation with  
 3191 other public and private agencies ~~and to coordinate funding of~~  
 3192 ~~health care programs with federal, state, or local indigent~~

PCS for HB 1263

ORIGINAL

YEAR

3193 ~~health care funding mechanisms.~~  
 3194        ~~(56)~~ (6) To initiate, and coordinate, ~~and request review of~~  
 3195 applications to federal agencies and private organizations ~~and~~  
 3196 ~~state agencies~~ for funds, services, or commodities relating to  
 3197 children's medical programs.  
 3198        ~~(67)~~ (7) To sponsor or promote grants for projects, programs,  
 3199 education, or research in the field of ~~medical needs of~~ children  
 3200 with special health needs, with an emphasis on early diagnosis  
 3201 and treatment.  
 3202        ~~(78)~~ (8) To ~~oversee and operate,~~ or oversee operation by a  
 3203 contracted network manager, the Children's Medical Services  
 3204 network.  
 3205        ~~(89)~~ (9) To establish financial management procedures, or  
 3206 oversee the financial management procedures of a contracted  
 3207 network manager, ~~reimbursement mechanisms~~ for the Children's  
 3208 Medical Services network.  
 3209        ~~(910)~~ (10) To establish Children's Medical Services network  
 3210 standards and credentialing requirements for health care  
 3211 providers and health care services.  
 3212        ~~(1011)~~ (11) To serve as a provider and principal case manager  
 3213 for children with special health care needs under Titles XIX and  
 3214 XXI of the Social Security Act.  
 3215        ~~(1112)~~ (12) To monitor the provision of health services in the  
 3216 program, including the utilization and quality of health  
 3217 services.  
 3218        ~~(1213)~~ (13) To administer the Children with Special Health Care  
 3219 Needs program in accordance with Title V of the Social Security  
 3220 Act.

PCS for HB 1263

ORIGINAL

YEAR

3221            (~~1314~~) To establish and operate a grievance resolution  
3222 process for participants and health care providers.

3223            (~~1415~~) To maintain program integrity in the Children's  
3224 Medical Services program.

3225            (~~1516~~) To receive and manage health care premiums,  
3226 capitation payments, and funds from federal, state, local, and  
3227 private entities for the program. The department may contract  
3228 with a third-party administrator for processing claims,  
3229 monitoring medical expenses, and other related services  
3230 necessary to the efficient and cost-effective operation of the  
3231 Children's Medical Services network. The department is  
3232 authorized to maintain a minimum reserve for the Children's  
3233 Medical Services network in an amount that is the greater of:

3234            (a) Ten percent of total projected expenditures for Title  
3235 XIX-funded and Title XXI-funded children; or

3236            (b) Two percent of total annualized payments from the  
3237 Agency for Health Care Administration for Title XIX and Title  
3238 XXI of the Social Security Act.

3239            (~~1617~~) To provide or contract for ~~appoint health care~~  
3240 ~~consultants for the purpose of providing peer review and other~~  
3241 ~~quality improvement activities~~ making recommendations to enhance  
3242 ~~the delivery and quality of services in the Children's Medical~~  
3243 ~~Services program.~~

3244            (~~1718~~) To adopt rules pursuant to ss. 120.536(1) and  
3245 120.54 to administer the Children's Medical Services Act. ~~The~~  
3246 ~~rules may include requirements for definitions of terms, program~~  
3247 ~~organization, and program description; a process for selecting~~  
3248 ~~an area medical director; responsibilities of applicants and~~

PCS for HB 1263

ORIGINAL

YEAR

3249 ~~clients; requirements for service applications, including~~  
 3250 ~~required medical and financial information; eligibility~~  
 3251 ~~requirements for initial treatment and for continued~~  
 3252 ~~eligibility, including financial and custody issues;~~  
 3253 ~~methodologies for resource development and allocation, including~~  
 3254 ~~medical and financial considerations; requirements for~~  
 3255 ~~reimbursement services rendered to a client; billing and payment~~  
 3256 ~~requirements for providers; requirements for qualification,~~  
 3257 ~~appointments, verification, and emergency exceptions for health-~~  
 3258 ~~professional consultants; general and diagnostic specific~~  
 3259 ~~standards for diagnostic and treatment facilities; and standards~~  
 3260 ~~for the method of service delivery, including consultant~~  
 3261 ~~services, respect-for-privacy considerations, examination~~  
 3262 ~~requirements, family support plans, and clinic design.~~

3263 Section 87. Section 391.028, Florida Statutes, is amended  
 3264 to read:

3265 391.028 Administration. ~~The Children's Medical Services~~  
 3266 ~~program shall have a central office and area offices.~~

3267 (1) The Director of Children's Medical Services must be a  
 3268 physician licensed under chapter 458 or chapter 459 who has  
 3269 specialized training and experience in the provision of health  
 3270 care to children and who has recognized skills in leadership and  
 3271 the promotion of children's health programs. The director shall  
 3272 be the deputy secretary and the Deputy State Health Officer for  
 3273 Children's Medical Services and is appointed by and reports to  
 3274 the State Surgeon General. The director may appoint such other  
 3275 staff as necessary for the operation of the program ~~division~~  
 3276 ~~directors~~ subject to the approval of the State Surgeon General.

PCS for HB 1263

ORIGINAL

YEAR

3277           (2) The director shall provide for a decentralized  
 3278 operational system utilizing such department staff and contract  
 3279 providers as necessary. The program shall implement the  
 3280 following program activities under physician supervision on a  
 3281 statewide basis ~~designate Children's Medical Services area~~  
 3282 ~~offices to perform operational activities, including, but not~~  
 3283 ~~limited to:~~

3284           (a) ~~Providing e~~Case management services for ~~the~~ network  
 3285 participants;

3286           (b) ~~Providing local e~~Management and oversight of the local  
 3287 program activities;

3288           (c) ~~Determining an individual's m~~Medical and financial  
 3289 eligibility determination for the program in accordance with s.  
 3290 391.029;

3291           (d) ~~Participating in the d~~Determination of a level of care  
 3292 and medical complexity for long-term care services;

3293           (e) Authorizing services in the program and developing  
 3294 spending plans;

3295           (f) ~~Participating in the d~~Development of treatment plans;  
 3296 and

3297           (g) ~~Taking part in the r~~Resolution of complaints and  
 3298 grievances from participants and health care providers.

3299           (3) ~~Each Children's Medical Services area office shall be~~  
 3300 ~~directed by a physician licensed under chapter 458 or chapter~~  
 3301 ~~459 who has specialized training and experience in the provision~~  
 3302 ~~of health care to children. The director of a Children's Medical~~  
 3303 ~~Services area office shall be appointed by the director from the~~  
 3304 ~~active panel of Children's Medical Services physician~~

PCS for HB 1263

ORIGINAL

YEAR

3305 ~~consultants.~~Before contracting for statewide operation of  
 3306 program activities, the director must document, with the  
 3307 concurrence of the Surgeon General and the Governor, that the  
 3308 following criteria have been met:  
 3309 (a) Qualified contractors are available and interested in  
 3310 operating the program;  
 3311 (b) Contracting for operation of the program will result  
 3312 in a measureable increase in the following areas;  
 3313 1. The number of children with special health needs served  
 3314 by the program;  
 3315 2. The number and type of services provided to children  
 3316 with special health needs; and  
 3317 3. The number of participating providers, especially  
 3318 pediatricians with expertise in serving children with special  
 3319 health needs.  
 3320 (c) Quality of care for children with special health needs  
 3321 will be maintained or enhanced.  
 3322 (4) Any contract for statewide operation of the Children's  
 3323 Medical Services program shall be competitively procured.  
 3324 (5) Qualified contractors are provider service networks  
 3325 pursuant to s. 409.962(12) that meet the following criteria:  
 3326 (a) Signed, written agreements with all Florida medical  
 3327 schools, statutory teaching hospitals pursuant to s. 408.07(45),  
 3328 specialty children's hospitals pursuant to s. 395.002(28), and  
 3329 regional perinatal intensive care centers pursuant to s.  
 3330 383.16(2);  
 3331 (b) An adequate number of primary and specialty  
 3332 pediatricians participate in the network;

PCS for HB 1263

ORIGINAL

YEAR

- 3333 (c) An adequate number of other health professionals to
- 3334 meet the medical and psychosocial needs of the participating
- 3335 children and families;
- 3336 (d) Experience in serving similar populations;
- 3337 (e) Experience in operating a capitated provider service
- 3338 network; and
- 3339 (f) Experience in quality improvement, especially in areas
- 3340 related to serving children with special health needs.

3341 Section 88. Section 391.029, Florida Statutes, is amended  
 3342 to read:

3343 391.029 Program eligibility.—

3344 (1) ~~The department shall establish the medical criteria to~~  
 3345 ~~determine if an applicant~~Eligibility for the Children's Medical  
 3346 Services program is based on the diagnosis of one or more  
 3347 chronic and serious medical conditions and the family's need for  
 3348 specialized services that are not available or accessible by the  
 3349 family from any other source~~an eligible individual.~~

3350 (2) The following individuals are ~~financially~~ eligible to  
 3351 receive services through the program:

3352 (a) A high-risk pregnant female who is enrolled in~~is~~  
 3353 ~~eligible for~~ Medicaid.

3354 (b) Children with serious special health care needs from  
 3355 birth to 21 years of age who are enrolled in~~eligible for~~  
 3356 Medicaid.

3357 (c) Children with serious special health care needs from  
 3358 birth to 19 years of age who are enrolled in~~eligible for~~ a  
 3359 program under Title XXI of the Social Security Act.

3360 (3) Subject to the availability of funds, the following



PCS for HB 1263

ORIGINAL

YEAR

3361 individuals may receive services through the program:  
 3362 (a) Children with serious special health care needs from  
 3363 birth to 21 years of age who do not qualify for Medicaid or  
 3364 ~~whose family income is above the requirements for financial~~  
 3365 ~~eligibility under Title XXI of the Social Security Act~~ but who  
 3366 are unable to access, due to lack of providers or lack of  
 3367 financial resources, specialized services that are medically  
 3368 necessary or essential family support services ~~and whose~~  
 3369 ~~projected annual cost of care adjusts the family income to~~  
 3370 ~~Medicaid financial criteria. In cases where the family income is~~  
 3371 ~~adjusted based on a projected annual cost of care, the family~~  
 3372 Families shall participate financially in the cost of care based  
 3373 on a sliding fee scale ~~criteria~~ established by the department.  
 3374 (b) Children with special health care needs from birth to  
 3375 21 years of age, as provided in Title V of the Social Security  
 3376 Act.  
 3377 (c) An infant who receives an award of compensation under  
 3378 s. 766.31(1). The Florida Birth-Related Neurological Injury  
 3379 Compensation Association shall reimburse the Children's Medical  
 3380 Services Network the state's share of funding, which must  
 3381 thereafter be used to obtain matching federal funds under Title  
 3382 XXI of the Social Security Act.  
 3383 ~~(4) The department shall determine the financial and~~  
 3384 ~~medical eligibility of children for the program. The department~~  
 3385 ~~shall also determine the financial ability of the parents, or~~  
 3386 ~~persons or other agencies having legal custody over such~~  
 3387 ~~individuals, to pay the costs of health services under the~~  
 3388 ~~program. The department may pay reasonable travel expenses~~

PCS for HB 1263

ORIGINAL

YEAR

3389 ~~related to the determination of eligibility for or the provision~~  
 3390 ~~of health services.~~

3391 (45) Any child who has been provided with surgical or  
 3392 medical care or treatment under this act prior to being adopted  
 3393 and has serious and chronic special health needs shall continue  
 3394 to be eligible to be provided with such care or treatment after  
 3395 his or her adoption, regardless of the financial ability of the  
 3396 persons adopting the child.

3397 Section 89. Section 391.0315, Florida Statutes, is amended  
 3398 to read:

3399 391.0315 Benefits.—Benefits provided under the program for  
 3400 children with special health care needs shall be equivalent  
 3401 ~~to the same~~ benefits provided to children as specified in ss.  
 3402 409.905 and 409.906. The department may offer additional  
 3403 benefits for early intervention services, respite services,  
 3404 genetic testing, genetic and nutritional counseling, and parent  
 3405 support services, if such services are determined to be  
 3406 medically necessary. ~~No child or person determined eligible for~~  
 3407 ~~the program who is eligible under Title XIX or Title XXI of the~~  
 3408 ~~Social Security Act shall receive any service other than an~~  
 3409 ~~initial health care screening or treatment of an emergency~~  
 3410 ~~medical condition as defined in s. 395.002, until such child or~~  
 3411 ~~person is enrolled in Medicaid or a Title XXI program.~~

3412 Section 90. Effective January 1, 2013, section 392.51,  
 3413 Florida Statutes, is amended to read:

3414 392.51 Tuberculosis control~~Findings and intent.~~—The  
 3415 ~~Legislature finds and declares that active tuberculosis is a~~  
 3416 ~~highly contagious infection that is sometimes fatal and~~

PCS for HB 1263

ORIGINAL

YEAR

3417 ~~constitutes a serious threat to the public health. The~~  
 3418 ~~Legislature finds that there is a significant reservoir of~~  
 3419 ~~tuberculosis infection in this state and that there is a need to~~  
 3420 ~~develop community programs to identify tuberculosis and to~~  
 3421 ~~respond quickly with appropriate measures. The Legislature finds~~  
 3422 ~~that some patients who have active tuberculosis have complex~~  
 3423 ~~medical, social, and economic problems that make outpatient~~  
 3424 ~~control of the disease difficult, if not impossible, without~~  
 3425 ~~posing a threat to the public health. The Legislature finds that~~  
 3426 ~~in order to protect the citizenry from those few persons who~~  
 3427 ~~pose a threat to the public, it is necessary to establish a~~  
 3428 ~~system~~A statewide system is established to control tuberculosis  
 3429 infection and mitigate its effects. The system consists of  
 3430 mandatory contact identification, treatment to cure,  
 3431 hospitalization, and isolation for contagious cases, ~~and to~~  
 3432 ~~provide a system of~~ voluntary, community-oriented care and  
 3433 surveillance in all other cases. The Legislature finds that the  
 3434 ~~delivery of t~~Tuberculosis control services shall be provided by  
 3435 the coordinated efforts of the respective county health  
 3436 departments and contracted or other private health care  
 3437 providers, ~~the A.C. Holley State Hospital, and the private~~  
 3438 ~~health care delivery system.~~

3439 Section 91. Effective January 1, 2013, section 392.61,  
 3440 Florida Statutes, is amended to read:

3441 392.61 Community tuberculosis control programs.—

3442 (1) The department shall operate, directly or by contract,  
 3443 community tuberculosis control programs in each county in the  
 3444 state.

PCS for HB 1263

ORIGINAL

YEAR

3445 (2) Community tuberculosis control programs shall have the  
3446 following functions:

3447 (a) Promotion of community and professional education  
3448 about the causes and dangers of tuberculosis and methods of its  
3449 control and treatment to cure;

3450 (b) Community and individual screening for the presence of  
3451 tuberculosis;

3452 (c) Surveillance of all suspected and reported cases of  
3453 active tuberculosis, including contact investigation as  
3454 necessary and as directed by the department;

3455 (d) Reporting of all known cases of tuberculosis to the  
3456 department;

3457 (e) Development of an individualized treatment plan for  
3458 each person who has active tuberculosis and who is under the  
3459 care of the department, including provision of treatment to cure  
3460 and followup, and the distribution of medication by means of  
3461 directly observed therapy, if appropriate, to eligible persons  
3462 under rules and guidelines developed by the department; and

3463 (f) Provision of counseling, periodic retesting, and  
3464 referral to appropriate social service, employment, medical, and  
3465 housing agencies, as necessary for persons released from  
3466 hospitalization or residential placement.

3467 (3) This section does not prevent the department from  
3468 operating regionally based tuberculosis control programs, if  
3469 services are offered in each county.

3470 ~~(4) The department shall develop, by rule, a methodology~~  
3471 ~~for distributing funds appropriated for tuberculosis control~~  
3472 ~~programs. Criteria to be considered in this methodology include,~~

PCS for HB 1263

ORIGINAL

YEAR

3473 ~~but are not limited to, the basic infrastructure available for~~  
 3474 ~~tuberculosis control, caseload requirements, laboratory support~~  
 3475 ~~services needed, and epidemiologic factors.~~

3476 Section 92. Effective January 1, 2013, section 392.62,  
 3477 Florida Statutes, is amended to read:

3478 392.62 Hospitalization and placement programs.—

3479 (1) The department shall contract for operation of~~operate~~  
 3480 a program for the treatment~~hospitalization~~ of persons who have  
 3481 active tuberculosis in hospitals licensed under chapter 395 and  
 3482 may provide for appropriate placement of persons who have active  
 3483 tuberculosis in other health care facilities or residential  
 3484 facilities. The department shall require the contractor to use  
 3485 existing licensed community hospitals and other facilities for  
 3486 the care and treatment to cure of persons who have active  
 3487 tuberculosis, a history of non-compliance with prescribed drug  
 3488 regimens, and require inpatient or other residential services.

3489 ~~(2) The department may operate a licensed hospital for the~~  
 3490 ~~care and treatment to cure of persons who have active~~  
 3491 ~~tuberculosis. The hospital may have a forensic unit where, under~~  
 3492 ~~medical protocol, a patient can be held in a secure or~~  
 3493 ~~protective setting. The department shall also seek to maximize~~  
 3494 ~~use of existing licensed community hospitals for the care and~~  
 3495 ~~treatment to cure of persons who have active tuberculosis.~~

3496 (3) The program for control of tuberculosis shall provide  
 3497 funding for participating facilities and require any such  
 3498 facilities to meet the following conditions~~Any licensed~~  
 3499 ~~hospital operated by the department, any licensed hospital under~~  
 3500 ~~contract with the department, and any other health care facility~~

PCS for HB 1263

ORIGINAL

YEAR

3501 ~~or residential facility operated by or under contract with the~~  
 3502 ~~department for the care and treatment of patients who have~~  
 3503 ~~active tuberculosis shall:~~

3504 (a) Admit patients voluntarily and under court order as  
 3505 appropriate for each particular facility;

3506 (b) Require that each patient pay the actual cost of care  
 3507 provided whether the patient is admitted voluntarily or by court  
 3508 order;

3509 (c) Provide for ~~a method of paying for the care of~~  
 3510 patients in the program regardless of ability to pay~~who cannot~~  
 3511 ~~afford to do so;~~

3512 (d) Require a primary clinical diagnosis of active  
 3513 tuberculosis by a physician licensed under chapter 458 or  
 3514 chapter 459 before admitting the patient; provided that there  
 3515 may be more than one primary diagnosis;

3516 (e) Provide a method of notification to the county health  
 3517 department and to the patient's family, if any, before  
 3518 discharging the patient from the hospital or other facility;

3519 (f) Provide for the necessary exchange of medical  
 3520 information to assure adequate community treatment to cure and  
 3521 followup of discharged patients, as appropriate; and

3522 (g) Provide for a method of medical care and counseling  
 3523 and for housing, social service, and employment referrals, if  
 3524 appropriate, for ~~all~~ patients discharged from the hospital.

3525 (4) A hospital may, pursuant to court order, place a  
 3526 patient in temporary isolation for a period of no more than 72  
 3527 continuous hours. The department shall obtain a court order in  
 3528 the same manner as prescribed in s. 392.57. Nothing in this

PCS for HB 1263

ORIGINAL

YEAR

3529 subsection precludes a hospital from isolating an infectious  
 3530 patient for medical reasons.

3531 (5) Any person committed under s. 392.57 who leaves the  
 3532 tuberculosis hospital or residential facility without having  
 3533 been discharged by the designated medical authority, except as  
 3534 provided in s. 392.63, shall be apprehended by the sheriff of  
 3535 the county in which the person is found and immediately  
 3536 delivered to the facility from which he or she left.

3537 Section 93. The Department of Health shall develop and  
 3538 implement a transition plan for closure of A.G. Holley State  
 3539 Hospital. The plan shall include specific steps to end  
 3540 voluntary admissions, transfer patients to alternate facilities,  
 3541 communicate with families, providers, other affected parties,  
 3542 and the general public, enter into any necessary contracts with  
 3543 providers, and coordinate with the Department of Management  
 3544 Services regarding the disposition of equipment and supplies and  
 3545 the closure of the facility. The plan shall be submitted to the  
 3546 Governor, the Speaker of the House of Representatives and the  
 3547 President of the Senate by May 31, 2012. The Department shall  
 3548 fully implement the plan by January 1, 2013.

3549 Section 94. Subsection (4) of section 401.243, Florida  
 3550 Statutes, is amended to read:

3551 401.243 Injury prevention.—The department shall establish  
 3552 an injury-prevention program with responsibility for the  
 3553 statewide coordination and expansion of injury-prevention  
 3554 activities. The duties of the department under the program may  
 3555 include, but are not limited to, data collection, surveillance,  
 3556 education, and the promotion of interventions. In addition, the

PCS for HB 1263

ORIGINAL

YEAR

3557 department may:  
 3558 ~~(4) Adopt rules governing the implementation of grant~~  
 3559 ~~programs. The rules may include, but need not be limited to,~~  
 3560 ~~criteria regarding the application process, the selection of~~  
 3561 ~~grantees, the implementation of injury-prevention activities,~~  
 3562 ~~data collection, surveillance, education, and the promotion of~~  
 3563 ~~interventions.~~

3564 Section 95. Subsection (5) of section 401.245, Florida  
 3565 Statutes, is amended to read:

3566 401.245 Emergency Medical Services Advisory Council.—

3567 ~~(5) The department shall adopt rules to implement this~~  
 3568 ~~section, which rules shall serve as formal operating procedures~~  
 3569 ~~for the Emergency Medical Services Advisory Council.~~

3570 Section 96. Subsection (2) of section 401.271, Florida  
 3571 Statutes, is amended to read:

3572 401.271 Certification of emergency medical technicians and  
 3573 paramedics who are on active duty with the Armed Forces of the  
 3574 United States; spouses of members of the Armed Forces.—

3575 ~~(2) The department may adopt rules exempting the spouse of~~  
 3576 ~~a member of the Armed Forces of the United States on active duty~~  
 3577 ~~from certification renewal provisions while the spouse is absent~~  
 3578 ~~from the state because of the member's active duty with the~~  
 3579 ~~Armed Forces.~~

3580 Section 97. Subsection (9) of section 402.45, Florida  
 3581 Statutes, is amended to read:

3582 402.45 Community resource mother or father program.—

3583 ~~(9) The department may adopt rules necessary to implement~~  
 3584 ~~this section.~~



PCS for HB 1263

ORIGINAL

YEAR

3585 Section 98. Subsections (3) and (4) of section 403.863,  
 3586 Florida Statutes, are amended to read:

3587 403.863 State public water supply laboratory certification  
 3588 program.—

3589 (1) The department and the Department of Health shall  
 3590 jointly develop a state program, and the Department of Health  
 3591 shall adopt rules for the evaluation and certification of all  
 3592 laboratories, other than the principal state laboratory, which  
 3593 perform or make application to perform analyses pursuant to the  
 3594 Florida Safe Drinking Water Act or which conduct a water  
 3595 analysis business. Such joint development shall be funded in  
 3596 part through the use of a portion of the State Public Water  
 3597 Systems Supervision Program grants received by the department  
 3598 from the Federal Government in order to implement the federal  
 3599 act.

3600 (2) The Department of Health may adopt and enforce rules  
 3601 to administer this section, including, but not limited to,  
 3602 definitions of terms, certified laboratory personnel  
 3603 requirements, methodologies for the collection of samples, the  
 3604 handling and analysis of samples, methodology and proficiency  
 3605 testing, the format and frequency of reports, onsite inspections  
 3606 of laboratories, and quality assurance.

3607 (3) The Department of Health shall have the responsibility  
 3608 for the operation and implementation of the state laboratory  
 3609 certification program. The Department of Health shall contract  
 3610 with the American Environmental Laboratory Association to  
 3611 perform the evaluation and review of laboratory certification  
 3612 applications, and laboratory inspections. ~~except that,~~ upon

PCS for HB 1263

ORIGINAL

YEAR

3613 completion of the evaluation and review of the laboratory  
 3614 certification application, the evaluation shall be forwarded,  
 3615 along with recommendations, to the department for review and  
 3616 comment, prior to final approval or disapproval by the  
 3617 Department of Health.

3618 (4) The following acts constitute grounds for which the  
 3619 disciplinary actions specified in subsection (5) may be taken:

3620 (a) Making false statements on an application or on any  
 3621 document associated with certification.

3622 (b) Making consistent errors in analyses or erroneous  
 3623 reporting.

3624 (c) Permitting personnel who are not qualified, as  
 3625 required by rules of the Department of Health, to perform  
 3626 analyses.

3627 (d) Falsifying the results of analyses.

3628 (e) Failing to employ approved laboratory methods in  
 3629 performing analyses as outlined in rules of the Department of  
 3630 Health.

3631 (f) Failing to properly maintain facilities and equipment  
 3632 according to the laboratory's quality assurance plan.

3633 (g) Failing to report analytical test results or maintain  
 3634 required records of test results as outlined in rules of the  
 3635 Department of Health.

3636 (h) Failing to participate successfully in a performance  
 3637 evaluation program approved by the Department of Health.

3638 (i) Violating any provision of this section or of the  
 3639 rules adopted under this section.

3640 (j) Falsely advertising services or credentials.

PCS for HB 1263

ORIGINAL

YEAR

3641 (k) Failing to pay fees for initial certification or  
 3642 renewal certification or to pay inspection expenses incurred by  
 3643 the American Environmental Laboratory Association~~Department of~~  
 3644 ~~Health~~.

3645 (l) Failing to report any change of an item included in  
 3646 the initial or renewal certification application.

3647 (m) Refusing to allow representatives of the department,  
 3648 ~~of~~ the Department of Health, or the American Environmental  
 3649 Laboratory Association to inspect a laboratory and its records  
 3650 during normal business hours.

3651 Section 99. Subsection (1) of section 400.914, Florida  
 3652 Statutes, is amended to read:

3653 400.914 Rules establishing standards.—

3654 (1) Pursuant to the intention of the Legislature to  
 3655 provide safe and sanitary facilities and healthful programs, the  
 3656 agency in conjunction with the Division of Children's Medical  
 3657 Services ~~Prevention and Intervention~~ of the Department of Health  
 3658 shall adopt and publish rules to implement the provisions of  
 3659 this part and part II of chapter 408, which shall include  
 3660 reasonable and fair standards. Any conflict between these  
 3661 standards and those that may be set forth in local, county, or  
 3662 city ordinances shall be resolved in favor of those having  
 3663 statewide effect. Such standards shall relate to:

3664 Section 100. Paragraph (d) of subsection (11) of section  
 3665 409.256, Florida Statutes, is amended to read:

3666 409.256 Administrative proceeding to establish paternity  
 3667 or paternity and child support; order to appear for genetic  
 3668 testing.—

PCS for HB 1263

ORIGINAL

YEAR

3669 (11) FINAL ORDER ESTABLISHING PATERNITY OR PATERNITY AND  
 3670 CHILD SUPPORT; CONSENT ORDER; NOTICE TO OFFICE OF VITAL  
 3671 STATISTICS.—

3672 (d) Upon rendering a final order of paternity or a final  
 3673 order of paternity and child support, the department shall  
 3674 notify the Bureau~~Division~~ of Vital Statistics of the Department  
 3675 of Health that the paternity of the child has been established.

3676 Section 101. Section 458.346, Florida Statutes, is  
 3677 repealed.

3678 Section 102. Subsection (2) of section 462.19, Florida  
 3679 Statutes, is amended to read:

3680 462.19 Renewal of license; inactive status.—

3681 ~~(2) The department shall adopt rules establishing a~~  
 3682 ~~procedure for the biennial renewal of licenses.~~

3683 Section 103. Section 464.0197, Florida Statutes, is  
 3684 repealed.

3685 Section 104. Subsection (4) of section 464.208, Florida  
 3686 Statutes, is amended to read:

3687 464.208 Background screening information; rulemaking  
 3688 authority.—

3689 ~~(4) The board shall adopt rules to administer this part.~~

3690 Section 105. Section 466.00775, Florida Statutes, is  
 3691 amended to read:

3692 466.00775 Rulemaking.—The board shall adopt rules pursuant  
 3693 to ss. 120.536(1) and 120.54 to administer ss. 466.003(14),  
 3694 466.0067, 466.00671, 466.00672, 466.00673, 466.021, and 466.032.

3695 Section 106. Subsection (4) of section 514.011, Florida  
 3696 Statutes, is amended to read:

PCS for HB 1263

ORIGINAL

YEAR

3697 514.011 Definitions.—As used in this chapter:  
 3698 (4) "Public bathing place" means a body of water, natural  
 3699 or modified by humans, for swimming, diving, and recreational  
 3700 bathing, ~~together with adjacent shoreline or land area,~~  
 3701 ~~buildings, equipment, and appurtenances pertaining thereto,~~ used  
 3702 by consent of the owner or owners and held out to the public by  
 3703 any person or public body, irrespective of whether a fee is  
 3704 charged for the use thereof. The bathing water areas of public  
 3705 bathing places include, but are not limited to, lakes, ponds,  
 3706 rivers, streams, artificial impoundments, and waters along the  
 3707 coastal and intracoastal beaches and shores of the state.

3708 Section 107. Section 514.021, Florida Statutes, is amended  
 3709 to read:

3710 514.021 Department authorization.—

3711 (1) The department may adopt and enforce rules, ~~which may~~  
 3712 ~~include definitions of terms,~~ to protect the health, safety, or  
 3713 welfare of persons using by setting water quality and safety  
 3714 standards for public swimming pools and public bathing places.  
 3715 The department shall review and revise such rules as necessary,  
 3716 but not less than biennially. Sanitation and safety standards  
 3717 shall ~~include, but not be limited to,~~ matters relating to  
 3718 ~~structure; appurtenances; operation;~~ source of water supply;  
 3719 bacteriological, chemical, and physical quality of water in the  
 3720 pool or bathing area; method of water purification, treatment,  
 3721 and disinfection; lifesaving apparatus; and measures to ensure  
 3722 safety of bathers; ~~and measures to ensure the personal~~  
 3723 ~~cleanliness of bathers.~~

3724 (2) The department may not establish by rule any

PCS for HB 1263

ORIGINAL

YEAR

3725 regulation governing the design, alteration, modification, or  
 3726 repair of public swimming pools and bathing places which has no  
 3727 impact on water quality and safety~~the health, safety, and~~  
 3728 ~~welfare~~ of persons using public swimming pools and bathing  
 3729 places. Further, the department may not adopt by rule any  
 3730 regulation governing the construction, erection, or demolition  
 3731 of public swimming pools and bathing places. It is the intent of  
 3732 the Legislature to preempt those functions to the Florida  
 3733 Building Commission through adoption and maintenance of the  
 3734 Florida Building Code. The department shall provide technical  
 3735 assistance to the commission in updating the construction  
 3736 standards of the Florida Building Code which govern public  
 3737 swimming pools and bathing places. ~~Further, the department is~~  
 3738 ~~authorized to conduct plan reviews, to issue approvals, and to~~  
 3739 ~~enforce the special occupancy provisions of the Florida Building~~  
 3740 ~~Code which apply to public swimming pools and bathing places in~~  
 3741 ~~conducting any inspections authorized by this chapter.~~ This  
 3742 subsection does not abrogate the authority of the department to  
 3743 adopt and enforce appropriate sanitary regulations and  
 3744 requirements as authorized in subsection (1).

3745 Section 108. Section 514.023, Florida Statutes, is amended  
 3746 to read:

3747 514.023 Sampling of beach waters; health advisories.—

3748 (1) As used in this section, the term "beach waters" means  
 3749 the waters along the coastal and intracoastal beaches and shores  
 3750 of the state, and includes salt water and brackish water.

3751 (2) The department may adopt and enforce rules to protect  
 3752 the health, safety, and welfare of persons using the beach

PCS for HB 1263

ORIGINAL

YEAR

3753 | waters and public bathing places of the state. The rules must  
 3754 | establish health standards and prescribe procedures and  
 3755 | timeframes for bacteriological sampling of ~~beach~~ waters.

3756 |       (3) The department may issue health advisories if the  
 3757 | quality of beach or public bathing waters fails to meet  
 3758 | standards established by the department. The issuance of health  
 3759 | advisories related to the results of bacteriological sampling of  
 3760 | beach waters is preempted to the state.

3761 |       (4) When the department issues a health advisory against  
 3762 | swimming in beach or public bathing waters on the basis of  
 3763 | finding elevated levels of fecal coliform or enterococci  
 3764 | bacteria in a water sample, the department shall concurrently  
 3765 | notify the municipality or county in which the affected beach  
 3766 | waters are located, whichever has jurisdiction, and the local  
 3767 | office of the Department of Environmental Protection, of the  
 3768 | advisory. The local office of the Department of Environmental  
 3769 | Protection shall promptly investigate wastewater treatment  
 3770 | facilities within 1 mile of the affected beach or public bathing  
 3771 | waters to determine if a facility experienced an incident that  
 3772 | may have contributed to the contamination and provide the  
 3773 | results of the investigation in writing or by electronic means  
 3774 | to the municipality or county, as applicable.

3775 |       (5) Contingent upon legislative appropriation to the  
 3776 | department in the amount of \$600,000 nonrecurring, the  
 3777 | department will perform a 3-year study to determine the water  
 3778 | quality at beaches throughout the state. The study will be  
 3779 | performed in all counties that have public-access saltwater and  
 3780 | brackish water beaches.

PCS for HB 1263

ORIGINAL

YEAR

3781 Section 109. Section 514.025, Florida Statutes, is amended  
 3782 to read:

3783 514.025 Assignment of authority to county health  
 3784 departments.—

3785 (1) ~~The department shall assign to eCounty health~~  
 3786 departments that are staffed with qualified engineering  
 3787 personnel shall perform the functions of reviewing applications  
 3788 and plans for the construction, development, or modification of  
 3789 public swimming pools or bathing places, of conducting  
 3790 inspections, for and issuance of initial operating permits; and  
 3791 of issuing all permits. If the county health department  
 3792 determines that qualified staff are not available~~is not assigned~~  
 3793 ~~the functions of application and plan review and the issuance of~~  
 3794 ~~initial operating permits,~~ the department shall be responsible  
 3795 for such functions. ~~The department shall make the determination~~  
 3796 ~~concerning the qualifications of county health department~~  
 3797 ~~personnel to perform these functions and may make and enforce~~  
 3798 ~~such rules pertaining thereto as it shall deem proper.~~

3799 (2) ~~After the initial operating permit is issued, the~~  
 3800 eCounty health departments are responsible~~shall assume full~~  
 3801 ~~responsibility~~ for routine surveillance of water quality in all  
 3802 public swimming pools and bathing places, including  
 3803 ~~responsibility for a minimum of two~~ routine inspections  
 3804 ~~annually,~~ complaint investigations, enforcement procedures,  
 3805 ~~reissuance of operating permits, and renewal of~~ and operating  
 3806 permits.

3807 (3) The department may assign the responsibilities and  
 3808 functions specified in this section to any multicounty



PCS for HB 1263

ORIGINAL

YEAR

3809 independent special district created by the Legislature to  
 3810 perform multiple functions, to include municipal services and  
 3811 improvements, to the same extent and under the same conditions  
 3812 as provided in subsections (1) and (2), upon request of the  
 3813 special district.

3814 Section 110. Section 514.03, Florida Statutes, is amended  
 3815 to read:

3816 514.03 ~~Construction plans a~~Approval necessary to  
 3817 construct, develop, or modify public swimming pools or bathing  
 3818 places. ~~It is unlawful for any person or public body to~~  
 3819 ~~construct, develop, or modify any public swimming pool or~~  
 3820 ~~bathing place, other than coastal or intracoastal beaches,~~  
 3821 ~~without a valid construction plans approval from the department.~~  
 3822 ~~This section does not preempt the authority of l~~Local  
 3823 governments or local enforcement districts may determine to  
 3824 ~~conduct plan reviews and inspections of public swimming pools~~  
 3825 ~~and bathing places for compliance with the general construction~~  
 3826 standards of the Florida Building Code, pursuant to s. 553.80.  
 3827 Local governments or local enforcement districts may conduct  
 3828 plan reviews and inspections of public swimming pools and  
 3829 bathing places for this purpose.

3830 ~~(1) Any person or public body desiring to construct,~~  
 3831 ~~develop, or modify any public swimming pool or bathing place~~  
 3832 ~~shall file an application for a construction plans approval with~~  
 3833 ~~the department on application forms provided by the department~~  
 3834 ~~and shall accompany such application with:~~

3835 ~~— (a) Engineering drawings, specifications, descriptions,~~  
 3836 ~~and detailed maps of the structure, its appurtenances, and its~~

PCS for HB 1263

ORIGINAL

YEAR

3837 ~~intended operation.~~  
 3838 ~~—— (b) A description of the source or sources of water supply~~  
 3839 ~~and amount and quality of water available and intended to be~~  
 3840 ~~used.~~  
 3841 ~~—— (c) A description of the method and manner of water~~  
 3842 ~~purification, treatment, disinfection, and heating.~~  
 3843 ~~—— (d) Other applicable information deemed necessary by the~~  
 3844 ~~department to fulfill the requirements of this chapter.~~  
 3845 ~~—— (2) If the proposed construction of, development of, or~~  
 3846 ~~modification of a public swimming pool or bathing place meets~~  
 3847 ~~standards of public health and safety as defined in this chapter~~  
 3848 ~~and rules adopted hereunder, the department shall grant the~~  
 3849 ~~application for the construction plans approval within 30 days~~  
 3850 ~~after receipt of a complete submittal. If engineering plans~~  
 3851 ~~submitted are in substantial compliance with the standards~~  
 3852 ~~aforementioned, the department may approve the plans with~~  
 3853 ~~provisions for corrective action to be completed prior to~~  
 3854 ~~issuance of the operating permit.~~  
 3855 ~~—— (3) If the proposed construction, development, or~~  
 3856 ~~modification of a public swimming pool or bathing place fails to~~  
 3857 ~~meet standards of public health and safety as defined in this~~  
 3858 ~~chapter and rules adopted hereunder, the department shall deny~~  
 3859 ~~the application for construction plans approval pursuant to the~~  
 3860 ~~provisions of chapter 120. Such denial shall be issued in~~  
 3861 ~~writing within 30 days and shall list the circumstances for~~  
 3862 ~~denial. Upon correction of such circumstances, an applicant~~  
 3863 ~~previously denied permission to construct, develop, or modify a~~  
 3864 ~~public swimming pool or bathing place may reapply for~~

PCS for HB 1263

ORIGINAL

YEAR

3865 ~~construction plans approval.~~  
 3866 ~~(4) An approval of construction plans issued by the~~  
 3867 ~~department under this section becomes void 1 year after the date~~  
 3868 ~~the approval was issued if the construction is not commenced~~  
 3869 ~~within 1 year after the date of issuance.~~

3870 Section 111. Section 514.031, Florida Statutes, is amended  
 3871 to read:

3872 514.031 Permit necessary to operate public swimming pool  
 3873 ~~or bathing place.~~

3874 (1) It is unlawful for any person or public body to  
 3875 operate or continue to operate any public swimming pool ~~or~~  
 3876 ~~bathing place~~ without a valid permit from the county health  
 3877 department, such permit to be obtained in the following manner:

3878 (a) Any person or public body desiring to operate any  
 3879 public swimming pool ~~or bathing place~~ shall file an application  
 3880 for a permit with the county health department, on application  
 3881 forms provided by the county health department, and shall  
 3882 accompany such application with:

3883 ~~1. Descriptions of the structure, its appurtenances, and~~  
 3884 ~~its operation.~~

3885 12. Description of the source or sources of water supply,  
 3886 and the amount and quality of water available and intended to be  
 3887 used.

3888 23. Method and manner of water purification, treatment,  
 3889 disinfection, and heating.

3890 34. Safety equipment and standards to be used.

3891 ~~5. Measures to ensure personal cleanliness of bathers.~~

3892 46. Any other pertinent information deemed necessary by

PCS for HB 1263

ORIGINAL

YEAR

3893 | the county health department ~~to fulfill the requirements of this~~  
 3894 | ~~chapter.~~

3895 |       (b) If the county health department determines that the  
 3896 | public swimming pool ~~or bathing place~~ is or may reasonably be  
 3897 | expected to be operated in compliance with this chapter and the  
 3898 | rules adopted hereunder, the department shall grant the  
 3899 | application for permit.

3900 |       (c) If the county health department determines that the  
 3901 | public swimming pool ~~or bathing place~~ does not meet the  
 3902 | provisions outlined in this chapter or the rules adopted  
 3903 | hereunder, the county health department shall deny the  
 3904 | application for a permit pursuant to the provisions of chapter  
 3905 | 120. Such denial shall be in writing and shall list the  
 3906 | circumstances for the denial. Upon correction of such  
 3907 | circumstances, an applicant previously denied permission to  
 3908 | operate a public swimming pool or bathing place may reapply for  
 3909 | a permit.

3910 |       (2) Operating permits shall not be required for coastal or  
 3911 | intracoastal beaches.

3912 |       (3) Operating permits may be transferred~~shall not be~~  
 3913 | ~~transferable~~ from one name or owner to another. When the  
 3914 | ownership or name of an existing public swimming pool ~~or bathing~~  
 3915 | ~~place~~ is changed and such establishment is operating at the time  
 3916 | of the change with a valid permit from the department, the new  
 3917 | owner must notify the county health~~of the establishment shall~~  
 3918 | ~~apply to the~~ department, upon forms provided by the county  
 3919 | health department, within 30 days after such a change, ~~for a~~  
 3920 | ~~reissuance of the existing permit.~~

PCS for HB 1263

ORIGINAL

YEAR

3921 (4) Each such operating permit shall be renewed annually  
 3922 and the permit must be posted in a conspicuous place.

3923 (5) An owner or operator of a public swimming pool,  
 3924 including, but not limited to, a spa, wading, or special purpose  
 3925 pool, to which admittance is obtained by membership for a fee  
 3926 shall post in a prominent location within the facility the most  
 3927 recent pool inspection report issued by the department  
 3928 pertaining to the health and safety conditions of such facility.  
 3929 The report shall be legible and readily accessible to members or  
 3930 potential members. The department shall adopt rules to enforce  
 3931 this subsection. A portable pool may not be used as a public  
 3932 pool.

3933 Section 112. Section 514.033, Florida Statutes, is amended  
 3934 to read:

3935 514.033 Creation of fee schedules authorized.—

3936 (1) The department is authorized to establish a schedule  
 3937 of fees to be charged by the department or by any authorized  
 3938 county health department as detailed in s. 514.025 ~~for the~~  
 3939 ~~review of applications and plans to construct, develop, or~~  
 3940 ~~modify a public swimming pool or bathing place, for the issuance~~  
 3941 ~~of permits to operate such establishments, and for the review of~~  
 3942 ~~variance applications for public swimming pools and bathing~~  
 3943 ~~places.~~ Fees assessed under this chapter shall be in an amount  
 3944 sufficient to meet the cost of carrying out the provisions of  
 3945 this chapter.

3946 (2) The fee schedule shall be: for original construction  
 3947 or development plan approval, not less than \$275 and not more  
 3948 than \$500; for modification of original construction, not less

PCS for HB 1263

ORIGINAL

YEAR

3949 | than \$100 and not more than \$150; for an initial operating  
 3950 | permit, not less than \$125 and not more than \$250; and for  
 3951 | review of variance applications, not less than \$240 and not more  
 3952 | than \$400. The department shall assess the minimum fees provided  
 3953 | in this subsection until a fee schedule is promulgated by rule  
 3954 | of the department.

3955 |       (3) Fees shall be~~Any person or public body operating a~~  
 3956 | ~~public swimming pool or bathing place shall pay to the~~  
 3957 | ~~department an annual operating permit fee based on pool or~~  
 3958 | ~~bathing place~~ aggregate gallonage, which shall be: up to and  
 3959 | including 25,000 gallons, not less than \$75 and not more than  
 3960 | \$125; and in excess of 25,000 gallons, not less than \$160 and  
 3961 | not more than \$265, except for a pool inspected pursuant to s.  
 3962 | 514.0115(2) (b) for which the annual fee shall be \$50.

3963 |       (4) Fees collected by the department or a county health  
 3964 | department in accordance with this chapter shall be deposited  
 3965 | into the ~~Public Swimming Pool and Bathing Place Trust Fund for~~  
 3966 | ~~the payment of costs incurred in the administration of this~~  
 3967 | ~~chapter. Fees collected by county health departments performing~~  
 3968 | ~~functions pursuant to s. 514.025 shall be deposited into the~~  
 3969 | County Health Department Trust Fund. Any fee collected under  
 3970 | this chapter is nonrefundable.

3971 |       (5) The department may not charge any fees for services  
 3972 | provided under this chapter other than those fees authorized in  
 3973 | this section. However, the department shall prorate the initial  
 3974 | annual fee for an operating permit on a half-year basis.

3975 |       Section 113. Subsections (4) and (5) of section 514.05,  
 3976 | Florida Statutes, is amended to read:

PCS for HB 1263

ORIGINAL

YEAR

3977 514.05 Denial, suspension, or revocation of permit;  
 3978 administrative fines.—

3979 (4) All amounts collected pursuant to this section shall  
 3980 be deposited into the ~~Public Swimming Pool and Bathing Place~~  
 3981 ~~Trust Fund or into the County Health Department Trust Fund,~~  
 3982 ~~whichever is applicable.~~

3983 (5) Under conditions specified by rule, the county health  
 3984 department may close a public pool that is not in compliance  
 3985 with this chapter or the rules adopted under this chapter.

3986 Section 114. Section 514.06, Florida Statutes, is amended  
 3987 to read:

3988 514.06 Injunction to restrain violations.—Any public  
 3989 swimming pool or bathing place presenting a significant risk to  
 3990 public health by failing to meet the water quality and safety  
 3991 standards established pursuant to this chapter ~~constructed,~~  
 3992 ~~developed, operated, or maintained contrary to the provisions of~~  
 3993 ~~this chapter~~ is declared to be a public nuisance, dangerous to  
 3994 health or safety. Such nuisances may be abated or enjoined in an  
 3995 action brought by the county health department or the  
 3996 department.

3997 Section 115. Subsections (1) and (2) of section 633.115,  
 3998 Florida Statutes, are amended to read:

3999 633.115 Fire and Emergency Incident Information Reporting  
 4000 Program; duties; fire reports.—

4001 (1) (a) The Fire and Emergency Incident Information  
 4002 Reporting Program is created within the Division of State Fire  
 4003 Marshal. The program shall:

4004 1. Establish and maintain an electronic communication

PCS for HB 1263

ORIGINAL

YEAR

4005 system capable of transmitting fire and emergency incident  
 4006 information to and between fire protection agencies.  
 4007 2. Initiate a Fire and Emergency Incident Information  
 4008 Reporting System that shall be responsible for:  
 4009 a. Receiving fire and emergency incident information from  
 4010 fire protection agencies.  
 4011 b. Preparing and disseminating annual reports to the  
 4012 Governor, the President of the Senate, the Speaker of the House  
 4013 of Representatives, fire protection agencies, and, upon request,  
 4014 the public. Each report shall include, but not be limited to,  
 4015 the information listed in the National Fire Incident Reporting  
 4016 System.  
 4017 c. Upon request, providing other states and federal  
 4018 agencies with fire and emergency incident data of this state.  
 4019 3. Adopt rules to effectively and efficiently implement,  
 4020 administer, manage, maintain, and use the Fire and Emergency  
 4021 Incident Information Reporting Program. The rules shall be  
 4022 considered minimum requirements and shall not preclude a fire  
 4023 protection agency from implementing its own requirements which  
 4024 shall not conflict with the rules of the Division of State Fire  
 4025 Marshal.  
 4026 4. By rule, establish procedures and a format for each  
 4027 fire protection agency to voluntarily monitor its records and  
 4028 submit reports to the program.  
 4029 5. Establish an electronic information database which is  
 4030 accessible and searchable by fire protection agencies.  
 4031 (b) The Division of State Fire Marshal shall consult with  
 4032 the Division of Forestry of the Department of Agriculture and



PCS for HB 1263

ORIGINAL

YEAR

4033 Consumer Services and the Bureau of Emergency Preparedness and  
 4034 Response~~Medical Services~~ of the Department of Health to  
 4035 coordinate data, ensure accuracy of the data, and limit  
 4036 duplication of efforts in data collection, analysis, and  
 4037 reporting.

4038 (2) The Fire and Emergency Incident Information System  
 4039 Technical Advisory Panel is created within the Division of State  
 4040 Fire Marshal. The panel shall advise, review, and recommend to  
 4041 the State Fire Marshal with respect to the requirements of this  
 4042 section. The membership of the panel shall consist of the  
 4043 following 15 members:

4044 (a) The current 13 members of the Firefighters Employment,  
 4045 Standards, and Training Council as established in s. 633.31.

4046 (b) One member from the Division of Forestry of the  
 4047 Department of Agriculture and Consumer Services, appointed by  
 4048 the division director.

4049 (c) One member from the Bureau of Emergency Preparedness  
 4050 and Response~~Medical Services~~ of the Department of Health,  
 4051 appointed by the bureau chief.

4052 Section 116. Subsections (4), (5), (6), (7), (8), (9),  
 4053 (10), (11), and (12) of section 1009.66, Florida Statutes, are  
 4054 amended to read:

4055 1009.66 Nursing Student Loan Forgiveness Program.—

4056 (4) From the funds available, the Department of Education  
 4057 ~~Health~~ may make loan principal repayments of up to \$4,000 a year  
 4058 for up to 4 years on behalf of selected graduates of an  
 4059 accredited or approved nursing program. All repayments shall be  
 4060 contingent upon continued proof of employment in the designated

PCS for HB 1263

ORIGINAL

YEAR

4061 facilities in this state and shall be made directly to the  
 4062 holder of the loan. The state shall bear no responsibility for  
 4063 the collection of any interest charges or other remaining  
 4064 balance. In the event that the designated facilities are  
 4065 changed, a nurse shall continue to be eligible for loan  
 4066 forgiveness as long as he or she continues to work in the  
 4067 facility for which the original loan repayment was made and  
 4068 otherwise meets all conditions of eligibility.

4069 (5) There is created the Nursing Student Loan Forgiveness  
 4070 Trust Fund to be administered by the Department of Education  
 4071 ~~Health~~ pursuant to this section and s. 1009.67 and department  
 4072 rules. The Chief Financial Officer shall authorize expenditures  
 4073 from the trust fund upon receipt of vouchers approved by the  
 4074 Department of Education ~~Health~~. All moneys collected from the  
 4075 private health care industry and other private sources for the  
 4076 purposes of this section shall be deposited into the Nursing  
 4077 Student Loan Forgiveness Trust Fund. Any balance in the trust  
 4078 fund at the end of any fiscal year shall remain therein and  
 4079 shall be available for carrying out the purposes of this section  
 4080 and s. 1009.67.

4081 (6) In addition to licensing fees imposed under part I of  
 4082 chapter 464, there is hereby levied and imposed an additional  
 4083 fee of \$5, which fee shall be paid upon licensure or renewal of  
 4084 nursing licensure. Revenues collected from the fee imposed in  
 4085 this subsection shall be deposited in the Nursing Student Loan  
 4086 Forgiveness Trust Fund of the Department of Education ~~Health~~ and  
 4087 will be used solely for the purpose of carrying out the  
 4088 provisions of this section and s. 1009.67. Up to 50 percent of

PCS for HB 1263

ORIGINAL

YEAR

4089 | the revenues appropriated to implement this subsection may be  
 4090 | used for the nursing scholarship program established pursuant to  
 4091 | s. 1009.67.

4092 | ~~(8) The Department of Health may solicit technical~~  
 4093 | ~~assistance relating to the conduct of this program from the~~  
 4094 | ~~Department of Education.~~

4095 | (8)~~(9)~~ The Department of Education ~~Health~~ is authorized to  
 4096 | recover from the Nursing Student Loan Forgiveness Trust Fund its  
 4097 | costs for administering the Nursing Student Loan Forgiveness  
 4098 | Program.

4099 | (9)~~(10)~~ The Department of Education ~~Health~~ may adopt rules  
 4100 | necessary to administer this program.

4101 | (10)~~(11)~~ This section shall be implemented only as  
 4102 | specifically funded.

4103 | (11)~~(12)~~ Students receiving a nursing scholarship pursuant  
 4104 | to s. 1009.67 are not eligible to participate in the Nursing  
 4105 | Student Loan Forgiveness Program.

4106 | Section 117. Section 1009.67, Florida Statutes, is amended  
 4107 | to read:

4108 | 1009.67 Nursing scholarship program.—

4109 | (1) There is established within the Department of  
 4110 | Education ~~Health~~ a scholarship program for the purpose of  
 4111 | attracting capable and promising students to the nursing  
 4112 | profession.

4113 | (2) A scholarship applicant shall be enrolled in an  
 4114 | approved nursing program leading to the award of an associate  
 4115 | degree, a baccalaureate degree, or a graduate degree in nursing.

4116 | (3) A scholarship may be awarded for no more than 2 years,

PCS for HB 1263

ORIGINAL

YEAR

4117 | in an amount not to exceed \$8,000 per year. However, registered  
 4118 | nurses pursuing a graduate degree for a faculty position or to  
 4119 | practice as an advanced registered nurse practitioner may  
 4120 | receive up to \$12,000 per year. These amounts shall be adjusted  
 4121 | by the amount of increase or decrease in the consumer price  
 4122 | index for urban consumers published by the United States  
 4123 | Department of Commerce.

4124 |         (4) Credit for repayment of a scholarship shall be as  
 4125 | follows:

4126 |             (a) For each full year of scholarship assistance, the  
 4127 | recipient agrees to work for 12 months in a faculty position in  
 4128 | a college of nursing or Florida College System institution  
 4129 | nursing program in this state or at a health care facility in a  
 4130 | medically underserved area as designated ~~approved~~ by the  
 4131 | Department of Health. Scholarship recipients who attend school  
 4132 | on a part-time basis shall have their employment service  
 4133 | obligation prorated in proportion to the amount of scholarship  
 4134 | payments received.

4135 |             (b) Eligible health care facilities include nursing homes  
 4136 | and hospitals in this state, state-operated medical or health  
 4137 | care facilities, public schools, county health departments,  
 4138 | federally sponsored community health centers, colleges of  
 4139 | nursing in universities in this state, and Florida College  
 4140 | System institution nursing programs in this state, family  
 4141 | practice teaching hospitals as defined in s. 395.805, or  
 4142 | specialty children's hospitals as described in s. 409.9119. The  
 4143 | recipient shall be encouraged to complete the service obligation  
 4144 | at a single employment site. If continuous employment at the

PCS for HB 1263

ORIGINAL

YEAR

4145 same site is not feasible, the recipient may apply to the  
 4146 department for a transfer to another approved health care  
 4147 facility.

4148 (c) Any recipient who does not complete an appropriate  
 4149 program of studies, who does not become licensed, who does not  
 4150 accept employment as a nurse at an approved health care  
 4151 facility, or who does not complete 12 months of approved  
 4152 employment for each year of scholarship assistance received  
 4153 shall repay to the Department of Education ~~Health~~, on a schedule  
 4154 to be determined by the department, the entire amount of the  
 4155 scholarship plus 18 percent interest accruing from the date of  
 4156 the scholarship payment. Moneys repaid shall be deposited into  
 4157 the Nursing Student Loan Forgiveness Trust Fund established in  
 4158 s. 1009.66. However, the department may provide additional time  
 4159 for repayment if the department finds that circumstances beyond  
 4160 the control of the recipient caused or contributed to the  
 4161 default.

4162 (5) Scholarship payments shall be transmitted to the  
 4163 recipient upon receipt of documentation that the recipient is  
 4164 enrolled in an approved nursing program. The Department of  
 4165 Education ~~Health~~ shall develop a formula to prorate payments to  
 4166 scholarship recipients so as not to exceed the maximum amount  
 4167 per academic year.

4168 (6) The Department of Education ~~Health~~ shall adopt rules,  
 4169 including rules to address extraordinary circumstances that may  
 4170 cause a recipient to default on either the school enrollment or  
 4171 employment contractual agreement, to implement this section.

4172 (7) The Department of Education ~~Health~~ may recover from

PCS for HB 1263

ORIGINAL

YEAR

4173 the Nursing Student Loan Forgiveness Trust Fund its costs for  
 4174 administering the nursing scholarship program.

4175 Section 118. Department of Health; type two transfer.—

4176 (1) All powers, duties, functions, records, offices,  
 4177 personnel, associated administrative support positions,  
 4178 property, pending issues, existing contracts, administrative  
 4179 authority, administrative rules, and unexpended balances of  
 4180 appropriations, allocations, and other funds relating to the  
 4181 Nursing Student Loan Forgiveness Program and the nursing  
 4182 scholarship program in the Department of Health are transferred  
 4183 by type two transfers, as defined in s. 20.06(2), Florida  
 4184 Statutes, to the Department of Education.

4185 (2) The Nursing Student Loan Forgiveness Trust Fund is  
 4186 transferred from the Department of Health to the Department of  
 4187 Education.

4188 (3) Any binding contract or interagency agreement related  
 4189 to the Nursing Student Loan Forgiveness Program existing before  
 4190 July 1, 2012, between the Department of Health, or an entity or  
 4191 agent of the agency, and any other agency, entity, or person  
 4192 shall continue as a binding contract or agreement for the  
 4193 remainder of the term of such contract or agreement on the  
 4194 successor department, agency, or entity responsible for the  
 4195 program, activity, or functions relative to the contract or  
 4196 agreement.

4197 (4) Notwithstanding s. 216.292 and pursuant to s. 216.351,  
 4198 Florida Statutes, upon approval by the Legislative Budget  
 4199 Commission, the Executive Office of the Governor may transfer  
 4200 funds and positions between agencies to implement this act.

PCS for HB 1263

ORIGINAL

YEAR

4201       (5) The transfer of any program, activity, duty, or  
 4202 function under this act includes the transfer of any records and  
 4203 unexpended balances of appropriations, allocations, or other  
 4204 funds related to such program, activity, duty, or function.  
 4205 Unless otherwise provided, the successor organization to any  
 4206 program, activity, duty, or function transferred under this act  
 4207 shall become the custodian of any property of the organization  
 4208 that was responsible for the program, activity, duty, or  
 4209 function immediately before the transfer.

4210           Section 119. The Division of Medical Quality Assurance  
 4211 shall develop a plan to improve the efficiency of its functions.  
 4212 Specifically, the plan shall delineate methods to: reduce the  
 4213 average length of time for a qualified applicant to receive  
 4214 initial and renewal licensure, certification, or registration,  
 4215 by one-third; improve the agenda process for board meetings to  
 4216 increase transparency, timeliness, and usefulness for board  
 4217 decision-making; and improve the cost-effectiveness and  
 4218 efficiency of the joint functions of the Division and the  
 4219 regulatory boards. In developing the plan, the Division shall  
 4220 identify and analyze best practices found within the Division  
 4221 and other state agencies with similar functions, options for  
 4222 information technology improvements, options for contracting  
 4223 with outside entities, and any other option the Division deems  
 4224 useful. The Division shall consult with and solicit  
 4225 recommendations from the regulatory boards in developing the  
 4226 plan. The Division shall submit the plan to the Governor,  
 4227 Speaker of the House of Representatives, and President of the  
 4228 Senate by November 1, 2012. All executive branch agencies are

PCS for HB 1263

ORIGINAL

YEAR

4229 instructed, and all other state agencies are requested, to  
4230 assist the Division in accomplishing its purposes under this  
4231 section.

4232       Section 120. Except as otherwise provided herein, this act  
4233 shall take effect upon becoming law.

4234

4235

4236