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CS/CS/CS/HB 1263, Engrossed 3

2012 Legislature

1
2 An act relating to the Department of Health; amending
3 s. 20.43, F.S.; revising the purpose of the
4 department; revising duties of the State Surgeon
5 General; eliminating the Officer of Women's Health
6 Strategy; revising divisions within the department;
7 amending s. 20.435, F.S.; eliminating the Florida
8 Drug, Device, and Cosmetic Trust Fund as a trust fund
9 under the department; amending s. 154.05, F.S.;
10 providing that two or more counties may combine for
11 the operation of a county health department under
12 certain circumstances; providing criteria for such an
13 agreement; specifying that an interlocal agreement may
14 only be terminated at the end of a contract year;
15 requiring the parties to give written notice to the
16 department no less than 90 days before the
17 termination; amending s. 215.5602, F.S.; conforming
18 references; amending s. 381.001, F.S.; revising
19 legislative intent; requiring the Department of Health
20 to be responsible for the state public health system;
21 requiring the department to provide leadership for a
22 partnership involving federal, state, and local
23 government and the private sector to accomplish public
24 health goals; amending s. 381.0011, F.S.; revising
25 duties and powers of the department; repealing s.
26 381.0013, F.S., relating to the department's authority
27 to exercise the power of eminent domain; repealing s.
28 381.0014, F.S., relating to department rules that

ENROLLED

CS/CS/CS/HB 1263, Engrossed 3

2012 Legislature

29 | superseded regulations and ordinances enacted by other
30 | state departments, boards or commissions, or
31 | municipalities; repealing s. 381.0015, F.S., relating
32 | to judicial presumptions regarding the department's
33 | authority to enforce public health rules; amending s.
34 | 381.0016, F.S.; allowing a county to enact health
35 | regulations and ordinances consistent with state law;
36 | repealing s. 381.0017, F.S., relating to the purchase,
37 | lease, and sale of real property by the department;
38 | repealing s. 381.0025, F.S., relating to penalties;
39 | amending s. 381.003, F.S.; revising provisions
40 | relating to the department's responsibility for
41 | communicable disease prevention and control programs;
42 | amending s. 381.0031, F.S.; permitting the department
43 | to conduct studies concerning epidemiology of diseases
44 | of public health significance; specifying that the
45 | list of diseases of public health significance is
46 | based on the recommendations to be nationally
47 | notifiable by the Council of State and Territorial
48 | Epidemiologists and the Centers for Disease Control
49 | and Prevention; authorizing the department to expand
50 | the list if a disease emerges for which regular,
51 | frequent and timely information regarding individual
52 | cases is considered necessary for the prevention and
53 | control of a disease specific to Florida; amending s.
54 | 381.00315, F.S.; authorizing the department to
55 | declare, enforce, modify, and abolish quarantines of
56 | persons, animals, and premises for controlling

ENROLLED

CS/CS/CS/HB 1263, Engrossed 3

2012 Legislature

57 | communicable diseases or providing protection from
58 | unsafe conditions that pose a threat to public health;
59 | requiring the department to establish rules for
60 | conditions and procedures for imposing and releasing a
61 | quarantine; requiring specific provisions to be
62 | included in rules; providing that the rules
63 | established under this section supersede all rules
64 | enacted by other state agencies, boards, or political
65 | subdivisions; providing that a violation of the rules
66 | established under the section, a quarantine, or
67 | requirement adopted pursuant to a declared public
68 | health emergency is a second-degree misdemeanor;
69 | providing penalties; repealing s. 381.0032, F.S.,
70 | relating to epidemiological research; repealing s.
71 | 381.00325, F.S., relating to the Hepatitis A awareness
72 | program; amending s. 381.0034, F.S.; deleting an
73 | obsolete qualifying date reference; repealing s.
74 | 381.0037, F.S., relating to legislative findings and
75 | intent with respect to AIDS; amending s. 381.004,
76 | F.S.; deleting legislative intent; conforming cross-
77 | references; amending 381.0046, F.S.; requiring the
78 | department to establish dedicated HIV and AIDS
79 | regional and statewide minority coordinators; deleting
80 | the requirement that the statewide director report to
81 | the chief of the Bureau of HIV and AIDS within the
82 | department; amending s. 381.0051, F.S.; deleting
83 | legislative intent for the Comprehensive Family
84 | Planning Act; amending s. 381.0052, F.S., relating to

ENROLLED

CS/CS/CS/HB 1263, Engrossed 3

2012 Legislature

85 | the "Public Health Dental Program Act"; repealing
 86 | unused department rulemaking authority; amending s.
 87 | 381.0053, F.S., relating to the comprehensive
 88 | nutrition program; repealing unused department
 89 | rulemaking authority; repealing s. 381.0054, F.S.,
 90 | relating to healthy lifestyles promotion by the
 91 | department; amending s. 381.0056, F.S., relating to
 92 | the "School Health Services Act"; deleting legislative
 93 | findings; deleting the requirement that school health
 94 | programs funded by health care districts or entities
 95 | be supplementary to and consistent with the act and
 96 | other applicable statutes; amending s. 381.0057, F.S.,
 97 | relating to funding for school health services;
 98 | deleting legislative intent; amending s. 381.00591,
 99 | F.S.; permitting the department to apply for and
 100 | become a National Environmental Laboratory
 101 | Accreditation Program accreditation body; eliminating
 102 | rulemaking authority of the department to implement
 103 | standards of the National Environmental Laboratory
 104 | Accreditation Program; amending s. 381.00593, F.S.;
 105 | removing unused rulemaking authority relating to the
 106 | public school volunteer health care practitioner
 107 | program; amending s. 381.0062, F.S., relating to the
 108 | "Comprehensive Family Planning Act"; deleting
 109 | legislative intent; conforming a cross-reference;
 110 | amending s. 381.0065, F.S., relating to regulation of
 111 | onsite sewage treatment and disposal systems; deleting
 112 | legislative intent; defining the term "bedroom";

ENROLLED

CS/CS/CS/HB 1263, Engrossed 3

2012 Legislature

113 conforming cross-references; conforming provisions to
114 changes made by the act; providing for any permit
115 issued and approved by the Department of Health for
116 the installation, modification, or repair of an onsite
117 sewage treatment and disposal system to transfer with
118 the title of the property; providing conditions under
119 which governmental entities are prohibited from
120 requiring certain inspections and systems; providing
121 applicability; providing an exception; providing
122 circumstances in which an onsite sewage treatment and
123 disposal system is not considered abandoned; providing
124 for the validity of an onsite sewage treatment and
125 disposal system permit if rules change before final
126 approval of the constructed system, under certain
127 conditions; providing that a system modification,
128 replacement, or upgrade is not required unless a
129 bedroom is added to a single-family home; deleting
130 provisions requiring the department to administer an
131 evaluation and assessment program of onsite sewage
132 treatment and disposal systems and requiring property
133 owners to have such systems evaluated at least once
134 every 5 years; deleting obsolete provisions; creating
135 s. 381.00651, F.S.; requiring a county or municipality
136 containing a first magnitude spring to adopt by
137 ordinance, under certain circumstances, the program
138 for the periodic evaluation and assessment of onsite
139 sewage treatment and disposal systems; requiring the
140 county or municipality to notify the Secretary of

ENROLLED

CS/CS/CS/HB 1263, Engrossed 3

2012 Legislature

141 State of the ordinance; authorizing a county or
142 municipality, in specified circumstances, to opt out
143 by a vote of 60 percent of the governing board;
144 authorizing a county or municipality to adopt or
145 repeal, after a specified date, an ordinance creating
146 an evaluation and assessment program, subject to
147 notification of the Secretary of State; providing
148 criteria for evaluations, qualified contractors, and
149 repair of systems; providing for certain procedures
150 and exemptions in special circumstances; defining the
151 term "system failure"; requiring that certain
152 procedures be used for conducting tank and drainfield
153 evaluations; providing for certain procedures in
154 special circumstances; providing for contractor
155 immunity from liability under certain conditions;
156 providing for assessment procedures; providing
157 requirements for county health departments; requiring
158 the Department of Health to allow county health
159 departments and qualified contractors to access the
160 state database to track data and evaluation reports;
161 requiring counties and municipalities to notify the
162 Secretary of Environmental Protection and the
163 Department of Health when an evaluation program
164 ordinance is adopted; requiring the Department of
165 Environmental Protection to notify those counties or
166 municipalities of the use of, and access to, certain
167 state and federal program funds and to provide certain
168 guidance and technical assistance upon request;

ENROLLED

CS/CS/CS/HB 1263, Engrossed 3

2012 Legislature

169 prohibiting the adoption of certain rules by the
170 Department of Health; providing for applicability;
171 repealing s. 381.00656, F.S., relating to a grant
172 program for the repair of onsite sewage treatment and
173 disposal systems; amending s. 381.0066, F.S.; lowering
174 the fees imposed by the department for certain
175 permits; conforming cross-references; amending s.
176 381.0068, F.S.; deleting a date by which a technical
177 review and advisory panel must be established within
178 the department for assistance with rule adoption;
179 deleting the authority of the chair of the panel to
180 advise affected persons or the Legislature of the
181 panel's position on legislation, proposed state
182 policy, or other issue; amending s. 381.0072, F.S.;
183 revising the definition of the term "food
184 establishment" to include certain facilities
185 participating in the United States Department of
186 Agriculture Afterschool Meal Program; amending s.
187 381.00781, F.S.; eliminating authority of the
188 department to annually adjust maximum fees according
189 to the Consumer Price Index; amending s. 381.0086,
190 F.S.; revising department rulemaking authority
191 relating to migrant farmworkers and other migrant
192 labor camp or residential migrant housing occupants;
193 removing lighting and maintenance and operation of
194 roads from the list of health and safety standards to
195 be created by the department; conforming a cross-
196 reference; amending s. 381.0098, F.S.; deleting

ENROLLED

CS/CS/CS/HB 1263, Engrossed 3

2012 Legislature

197 legislative intent with respect to standards for the
198 safe packaging, transport, storage, treatment, and
199 disposal of biomedical waste; conforming a cross-
200 reference; amending s. 381.0101, F.S.; deleting
201 legislative intent regarding certification of
202 environmental health professionals; providing for the
203 State Surgeon General, rather than the Division
204 Director for Emergency Preparedness and Community
205 Support, to serve on an environmental health
206 professionals advisory board; conforming a cross-
207 reference; amending s. 381.0203, F.S.; eliminating the
208 regulation of drugs, cosmetics, and household products
209 under ch. 499, F.S., from the pharmacy services
210 program; eliminating the contraception distribution
211 program at county health departments; amending s.
212 381.0261, F.S.; requiring the department, rather than
213 the Agency for Health Care Administration, to publish
214 a summary of the Florida Patient's Bill of Rights and
215 Responsibilities on its Internet website; deleting the
216 requirement to print and distribute the summary;
217 repealing s. 381.0301, F.S., relating to the Centers
218 for Disease Control and Prevention, the State
219 University System, Florida medical schools, and the
220 College of Public Health of the University of South
221 Florida; deleting the requirement that the College of
222 Public Health be consulted by state officials in the
223 management of public health; repealing s. 381.0302,
224 F.S.; eliminating the Florida Health Services Corps;

ENROLLED

CS/CS/CS/HB 1263, Engrossed 3

2012 Legislature

225 | amending s. 381.0303, F.S.; eliminating the
 226 | requirement that the Special Needs Shelter Interagency
 227 | Committee submit recommendations to the Legislature;
 228 | repealing s. 381.04015, F.S.; eliminating the Women's
 229 | Health Strategy Office and Officer of Women's Health
 230 | Strategy; amending s. 381.0403, F.S., relating to the
 231 | "Community Hospital Education Act"; deleting
 232 | legislative findings and intent; revising the mission
 233 | of the program; requiring minimum funding for graduate
 234 | education in family practice; deleting reference to an
 235 | intent to establish a statewide graduate medical
 236 | education program; amending s. 381.0405, F.S.;
 237 | deleting an appropriation to the Office of Rural
 238 | Health; amending s. 381.0406, F.S.; deleting
 239 | unnecessary introductory language in provisions
 240 | relating to rural health networks; repealing s.
 241 | 381.0407, F.S., to eliminate the mandatory payment of
 242 | claims from public health care providers and county
 243 | health departments by managed care plans; repealing s.
 244 | 381.045, F.S.; eliminating department authority to
 245 | provide services to certain health care providers
 246 | infected with Hepatitis B or HIV; amending s.
 247 | 381.06015, F.S.; deleting obsolete provision that
 248 | requires the department, the Agency for Health Care
 249 | Administration, and private consortium members seeking
 250 | private or federal funds to initiate certain program
 251 | actions relating to the Public Cord Blood Tissue Bank;
 252 | repealing s. 381.0605, F.S., relating to designating

ENROLLED

CS/CS/CS/HB 1263, Engrossed 3

2012 Legislature

253 the Agency for Health Care Administration as the state
 254 agency to administer the Federal Hospital and Medical
 255 Facilities Amendments of 1964; eliminating authority
 256 of the Governor to provide for administration of the
 257 amendments; repealing ss. 381.1001-381.103, F.S., the
 258 Florida Community Health Protection Act; amending s.
 259 381.4018, F.S.; deleting legislative findings and
 260 intent with respect to physician workforce assessment
 261 and development; conforming a cross-reference;
 262 repealing s. 381.60225, F.S., to eliminate background
 263 screening requirements for health care professionals
 264 and owners, operators, and employees of certain health
 265 care providers, services, and programs; repealing ss.
 266 381.732-381.734, F.S., the "Healthy People, Healthy
 267 Communities Act"; amending s. 381.7352, F.S.; deleting
 268 legislative findings relating to the "Reducing Racial
 269 and Ethnic Health Disparities: Closing the Gap Act";
 270 amending s. 381.7353, F.S.; removing the authority of
 271 the State Surgeon General to appoint an ad hoc
 272 committee to study certain aspects of racial and
 273 ethnic health outcome disparities and make
 274 recommendations; amending s. 381.7356, F.S.; deleting
 275 a provision requiring dissemination of Closing the Gap
 276 grant awards to begin on a date certain; amending s.
 277 381.765, F.S.; repealing unused rulemaking authority
 278 relating to records and recordkeeping for department-
 279 owned property; repealing s. 381.77, F.S., to
 280 eliminate the annual survey of nursing home residents

ENROLLED

CS/CS/CS/HB 1263, Engrossed 3

2012 Legislature

281 age 55 and under; repealing s. 381.795, F.S., to
282 eliminate the requirement that the department
283 establish a program of long-term community-based
284 supports and services for individuals with traumatic
285 brain or spinal cord injuries; amending s. 381.853,
286 F.S.; deleting legislative findings relating to brain
287 tumor research; repealing s. 381.855, F.S., which
288 established the Florida Center for Universal Research
289 to Eradicate Disease; repealing s. 381.87, F.S., to
290 eliminate the osteoporosis prevention and education
291 program; repealing s. 381.90, F.S., to eliminate the
292 Health Information Systems Council; amending s.
293 381.91, F.S., relating to the Jesse Trice Cancer
294 Program; revising legislative intent; amending
295 381.922, F.S.; conforming a reference; amending s.
296 383.011, F.S.; requiring the Department of Health to
297 establish an interagency agreement with the Department
298 of Children and Family Services for management of the
299 Special Supplemental Nutrition program for Women,
300 Infants, and Children; specifying responsibilities of
301 each department; creating s. 383.141, F.S.; providing
302 legislative findings; providing definitions; requiring
303 that health care providers provide pregnant women with
304 current information about the nature of the
305 developmental disabilities tested for in certain
306 prenatal tests, the accuracy of such tests, and
307 resources for obtaining support services for Down
308 syndrome and other prenatally diagnosed developmental

ENROLLED

CS/CS/CS/HB 1263, Engrossed 3

2012 Legislature

309 disabilities; providing duties for the Department of
 310 Health concerning establishment of an information
 311 clearinghouse; creating an advocacy council within the
 312 Department of Health to provide technical assistance
 313 in forming the clearinghouse; providing membership for
 314 the council; providing duties of the council;
 315 providing terms for members of the council; providing
 316 for election of a chairperson and vice chairperson;
 317 providing meeting times for the council; requiring the
 318 members to serve without compensation or reimbursement
 319 for travel expenses; authorizing meetings by
 320 teleconference or other electronic means; requiring
 321 the Department of Health to provide administrative
 322 support; repealing s. 385.210, F.S., the Arthritis
 323 Prevention and Education Act by a specific date;
 324 amending s. 391.016, F.S.; clarifying the purposes and
 325 functions of the Children's Medical Services program;
 326 requiring the coordination and maintenance of a
 327 medical home for participating children; amending s.
 328 391.021, F.S.; revising definitions; amending s.
 329 391.025, F.S.; revising the components of the
 330 Children's Medical Services program; amending s.
 331 391.026, F.S.; revising the powers and duties of the
 332 department in administering the Children's Medical
 333 Services network; amending s. 391.028, F.S.;

334 eliminating the central office and area offices of the
 335 Children's Medical Services program; authorizing the
 336 Director of Children's Medical Services to appoint

ENROLLED

CS/CS/CS/HB 1263, Engrossed 3

2012 Legislature

337 necessary staff and contract with providers to
338 establish a system to provide certain program
339 activities on a statewide basis; amending s. 391.029,
340 F.S.; specifying eligibility for services provided
341 under the Children's Medical Services program;
342 clarifying who may receive services under the program;
343 deleting the requirement that the department determine
344 financial and medical eligibility for program;
345 deleting the requirement that the department determine
346 the financial ability of parents to pay for services;
347 eliminating discretion of the department to pay
348 reasonable travel expenses; amending s. 391.0315,
349 F.S.; deleting a prohibition against a child eligible
350 under Title XIX or XXI of the Social Security Act from
351 receiving services under the program until the child
352 is enrolled in Medicaid or a Title XXI program;
353 amending s. 392.51, F.S., relating to tuberculosis
354 control; removing legislative findings and intent;
355 amending s. 392.61, F.S.; eliminating the requirement
356 that the department develop a methodology for
357 distributing funds appropriated for community
358 tuberculosis control programs; amending s. 392.62,
359 F.S.; requiring a contractor to use licensed community
360 hospitals and other facilities for the care and
361 treatment of persons who have active tuberculosis or a
362 history of noncompliance with prescribed drug regimens
363 and require inpatient or other residential services;
364 removing authority of the department to operate a

ENROLLED

CS/CS/CS/HB 1263, Engrossed 3

2012 Legislature

365 licensed hospital to treat tuberculosis patients;
366 requiring the tuberculosis control program to fund
367 participating facilities; requiring facilities to meet
368 specific conditions; requiring the department to
369 develop a transition plan for the closure of A.G.
370 Holley State Hospital; specifying content of
371 transition plan; requiring submission of the plan to
372 the Governor and Legislature; requiring full
373 implementation of the transition plan by a certain
374 date; amending s. 401.243, F.S.; repealing unused
375 rulemaking authority governing the implementation of
376 injury-prevention grant programs; amending s. 401.245,
377 F.S.; repealing unused rulemaking authority relating
378 to operating procedures for the Emergency Medical
379 Services Advisory Council; amending s. 401.271, F.S.;
380 repealing unused rulemaking authority relating to an
381 exemption for the spouse of a member of the Armed
382 Forces of the United States on active duty from
383 certification renewal provisions while the spouse is
384 absent from the state because of the member's active
385 duty with the Armed Forces; repealing s. 402.45, F.S.;
386 repealing unused rulemaking authority relating to the
387 community resource mother or father program; amending
388 s. 403.863, F.S.; directing the department to contract
389 to perform state public water supply laboratory
390 certification application review and evaluation and
391 laboratory inspections; adding certain actions to the
392 list of acts constituting grounds for which

ENROLLED

CS/CS/CS/HB 1263, Engrossed 3

2012 Legislature

393 disciplinary actions may be taken under the section;
394 amending ss. 400.914 and 409.256, F.S.; conforming
395 references; amending ss. 458.309 and 459.005, F.S.;
396 requiring that a physician or osteopathic physician
397 who performs certain medical procedures in an office
398 setting register the office with the Department of
399 Health unless that office is licensed as a facility
400 under ch. 395, F.S., relating to hospital licensing
401 and regulation; repealing s. 458.346, F.S., which
402 created the Public Sector Physician Advisory Committee
403 and established its responsibilities; amending s.
404 462.19, F.S., relating to the renewal of licenses for
405 practitioners of naturopathy; repealing unused
406 rulemaking authority; amending s. 464.019, F.S.,
407 requiring the Board of Nursing to deny a program
408 application for new prelicensure nursing education
409 program while the existing program is on probationary
410 status; repealing s. 464.0197, F.S., relating to state
411 budget support for the Florida Center for Nursing;
412 amending s. 464.203, F.S.; revising the certification
413 requirements for certified nursing assistants;
414 amending s. 464.208, F.S.; repealing unused rulemaking
415 authority relating to background screening information
416 of certified nursing assistants; repealing s.
417 466.00775, F.S., relating to unused rulemaking
418 authority relating to dental health access and dental
419 laboratory registration provisions; amending ss.
420 212.08, 499.003, 499.601, and 499.61, F.S.; updating

ENROLLED

CS/CS/CS/HB 1263, Engrossed 3

2012 Legislature

421 departmental designation; amending s. 514.011, F.S.;

422 revising the definition of "public bathing place";

423 amending s. 514.021, F.S.; restricting rulemaking

424 authority of the department; limiting scope of

425 standards for public pools and public bathing places;

426 prohibiting the department from adopting by rule any

427 regulation regarding the design, alteration, or repair

428 of a public pool or public bathing; eliminating

429 authority of the department to review plans, issue

430 approvals, and enforce occupancy provisions of the

431 Florida Building Code; amending s. 514.023, F.S.;

432 adding public bathing places to the provisions

433 allowing sampling of beach waters to determine

434 sanitation and allowing health advisories to be issued

435 for elevated levels of bacteria in such waters;

436 deleting an obsolete provision; amending s. 514.025,

437 F.S.; requiring the department to review applications

438 and plans for the construction or placement of public

439 pools or bathing places; providing for the department

440 to review applications and plans if no qualified staff

441 are employed at the county health department;

442 establishing that the department is responsible to

443 monitor water quality in public pools and bathing

444 places; amending s. 514.03, F.S.; permitting local

445 governments or local enforcement districts to

446 determine compliance with general construction

447 provisions of the Florida Building Code; permitting

448 local governments or local enforcement districts to

ENROLLED

CS/CS/CS/HB 1263, Engrossed 3

2012 Legislature

449 | conduct plan reviews and inspections of public pools
450 | and bathing places to determine compliance;
451 | eliminating an application process for review of
452 | building plans for a public pool or bathing place by
453 | the department; amending s. 514.031, F.S.; requiring a
454 | valid permit from the department to operate a public
455 | pool; revising the list of documents that must
456 | accompany an application for a permit to operate a
457 | public pool; providing the department with authority
458 | to review, approve, and deny an application for a
459 | permit to operate a public pool; amending s. 514.033,
460 | F.S.; deleting authority of the department to
461 | establish a fee schedule; requiring fees collected by
462 | the department or county health department to be
463 | deposited into the Grants and Donations Trust Fund or
464 | the County Health Department Trust Fund; amending s.
465 | 514.05, F.S.; requiring all amounts collected to be
466 | deposited in the Grants and Donations Trust Fund or
467 | the County Health Department Trust Fund; granting the
468 | county health department the authority to close a
469 | public pool that is not in compliance with ch. 514,
470 | F.S., or applicable rules; amending s. 514.06, F.S.;
471 | deeming a public pool or bathing place to present a
472 | significant risk to public health by failing to meet
473 | sanitation and safety to be a public nuisance;
474 | allowing for a public nuisance to be abated or
475 | enjoined; amending s. 633.115, F.S.; making conforming
476 | changes; amending s. 1009.66, F.S.; reassigning

ENROLLED

CS/CS/CS/HB 1263, Engrossed 3

2012 Legislature

477 responsibility for the Nursing Student Loan
 478 Forgiveness Program from the Department of Health to
 479 the Department of Education; amending s. 1009.67,
 480 F.S.; reassigning responsibility for the nursing
 481 scholarship program from the Department of Health to
 482 the Department of Education; providing type two
 483 transfers of the programs; providing for transfer of a
 484 trust fund; providing applicability to contracts;
 485 authorizing transfer of funds and positions between
 486 departments; requiring the Division of Medical Quality
 487 and Assurance to create a plan to improve efficiency
 488 of the function of the division; directing the
 489 division to take certain actions in creating the plan;
 490 directing the division to address particular topics in
 491 the plan; requiring all executive branch agencies to
 492 assist the department in creating the plan; requesting
 493 all other state agencies to assist the department in
 494 creating the plan; amending ss. 154.503, 381.0041,
 495 384.25, 392.56, 395.1027, 411.203, 456.032, 513.10,
 496 768.28, and 775.0877, F.S.; conforming cross-
 497 references; providing effective dates.

498
 499 Be It Enacted by the Legislature of the State of Florida:

500
 501 Section 1. Subsections (1), (2), and (3) of section 20.43,
 502 Florida Statutes, are amended to read:
 503 20.43 Department of Health.—There is created a Department
 504 of Health.

ENROLLED

CS/CS/CS/HB 1263, Engrossed 3

2012 Legislature

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

510 (a) Identify, diagnose, and conduct surveillance of
 511 diseases and health conditions in the state and accumulate the
 512 health statistics necessary to establish trends ~~Prevent to the~~
 513 ~~fullest extent possible, the occurrence and progression of~~
 514 ~~communicable and noncommunicable diseases and disabilities.~~

515 (b) Implement interventions that prevent or limit the
 516 impact or spread of diseases and health conditions ~~Maintain a~~
 517 ~~constant surveillance of disease occurrence and accumulate~~
 518 ~~health statistics necessary to establish disease trends and to~~
 519 ~~design health programs.~~

520 (c) Collect, manage, and analyze vital statistics and
 521 other health data to inform the public and formulate public
 522 health policy and planning ~~Conduct special studies of the causes~~
 523 ~~of diseases and formulate preventive strategies.~~

524 (d) Maintain and coordinate preparedness for and responses
 525 to public health emergencies in the state ~~Promote the~~
 526 ~~maintenance and improvement of the environment as it affects~~
 527 ~~public health.~~

528 (e) Provide or ensure the provision of quality health care
 529 and related services to identified populations in the state
 530 ~~Promote the maintenance and improvement of health in the~~
 531 ~~residents of the state.~~

532 (f) Regulate environmental activities that have a direct

ENROLLED

CS/CS/CS/HB 1263, Engrossed 3

2012 Legislature

533 impact on public health in the state ~~Provide leadership, in~~
 534 ~~cooperation with the public and private sectors, in establishing~~
 535 ~~statewide and community public health delivery systems.~~

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

541 ~~(h) Provide services to abused and neglected children~~
 542 ~~through child protection teams and sexual abuse treatment~~
 543 ~~programs.~~

544 ~~(i) Develop working associations with all agencies and~~
 545 ~~organizations involved and interested in health and health care~~
 546 ~~delivery.~~

547 ~~(j) Analyze trends in the evolution of health systems, and~~
 548 ~~identify and promote the use of innovative, cost-effective~~
 549 ~~health delivery systems.~~

550 ~~(k) Serve as the statewide repository of all aggregate~~
 551 ~~data accumulated by state agencies related to health care;~~
 552 ~~analyze that data and issue periodic reports and policy~~
 553 ~~statements, as appropriate; require that all aggregated data be~~
 554 ~~kept in a manner that promotes easy utilization by the public,~~
 555 ~~state agencies, and all other interested parties; provide~~
 556 ~~technical assistance as required; and work cooperatively with~~
 557 ~~the state's higher education programs to promote further study~~
 558 ~~and analysis of health care systems and health care outcomes.~~

559 ~~(l) Include in the department's strategic plan developed~~
 560 ~~under s. 186.021 an assessment of current health programs,~~

ENROLLED

CS/CS/CS/HB 1263, Engrossed 3

2012 Legislature

561 ~~systems, and costs; projections of future problems and~~
562 ~~opportunities; and recommended changes that are needed in the~~
563 ~~health care system to improve the public health.~~

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

567 (2)(a) The head of the Department of Health is the State
568 Surgeon General and State Health Officer. The State Surgeon
569 General must be a physician licensed under chapter 458 or
570 chapter 459 who has advanced training or extensive experience in
571 public health administration. The State Surgeon General is
572 appointed by the Governor subject to confirmation by the Senate.
573 The State Surgeon General serves at the pleasure of the
574 Governor. ~~The State Surgeon General shall serve as the leading~~
575 ~~voice on wellness and disease prevention efforts, including the~~
576 ~~promotion of healthful lifestyles, immunization practices,~~
577 ~~health literacy, and the assessment and promotion of the~~
578 ~~physician and health care workforce in order to meet the health~~
579 ~~care needs of the state. The State Surgeon General shall focus~~
580 ~~on advocating healthy lifestyles, developing public health~~
581 ~~policy, and building collaborative partnerships with schools,~~
582 ~~businesses, health care practitioners, community-based~~
583 ~~organizations, and public and private institutions in order to~~
584 ~~promote health literacy and optimum quality of life for all~~
585 ~~Floridians.~~

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

ENROLLED

CS/CS/CS/HB 1263, Engrossed 3

2012 Legislature

589 (3) The following divisions of the Department of Health
 590 are established:

591 (a) Division of Administration.

592 (b) Division of Emergency Preparedness and Community
 593 Support ~~Environmental Health~~.

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

595 (d) Division of Community Health Promotion ~~Family Health~~
 596 ~~Services~~.

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

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

600 (g) Division of Medical Quality Assurance, which is
 601 responsible for the following boards and professions established
 602 within the division:

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

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

605 3. The Board of Osteopathic Medicine, created under
 606 chapter 459.

607 4. The Board of Chiropractic Medicine, created under
 608 chapter 460.

609 5. The Board of Podiatric Medicine, created under chapter
 610 461.

611 6. Naturopathy, as provided under chapter 462.

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

613 8. The Board of Nursing, created under part I of chapter
 614 464.

615 9. Nursing assistants, as provided under part II of
 616 chapter 464.

ENROLLED

CS/CS/CS/HB 1263, Engrossed 3

2012 Legislature

- 617 | 10. The Board of Pharmacy, created under chapter 465.
- 618 | 11. The Board of Dentistry, created under chapter 466.
- 619 | 12. Midwifery, as provided under chapter 467.
- 620 | 13. The Board of Speech-Language Pathology and Audiology,
- 621 | created under part I of chapter 468.
- 622 | 14. The Board of Nursing Home Administrators, created
- 623 | under part II of chapter 468.
- 624 | 15. The Board of Occupational Therapy, created under part
- 625 | III of chapter 468.
- 626 | 16. Respiratory therapy, as provided under part V of
- 627 | chapter 468.
- 628 | 17. Dietetics and nutrition practice, as provided under
- 629 | part X of chapter 468.
- 630 | 18. The Board of Athletic Training, created under part
- 631 | XIII of chapter 468.
- 632 | 19. The Board of Orthotists and Prosthetists, created
- 633 | under part XIV of chapter 468.
- 634 | 20. Electrolysis, as provided under chapter 478.
- 635 | 21. The Board of Massage Therapy, created under chapter
- 636 | 480.
- 637 | 22. The Board of Clinical Laboratory Personnel, created
- 638 | under part III of chapter 483.
- 639 | 23. Medical physicists, as provided under part IV of
- 640 | chapter 483.
- 641 | 24. The Board of Opticianry, created under part I of
- 642 | chapter 484.
- 643 | 25. The Board of Hearing Aid Specialists, created under
- 644 | part II of chapter 484.

ENROLLED

CS/CS/CS/HB 1263, Engrossed 3

2012 Legislature

645 26. The Board of Physical Therapy Practice, created under
646 chapter 486.

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

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

649 29. The Board of Clinical Social Work, Marriage and Family
650 Therapy, and Mental Health Counseling, created under chapter
651 491.

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

654 ~~(h) Division of Children's Medical Services Prevention and~~
655 ~~Intervention.~~

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

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

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

659 Section 2. Subsections (14) through (22) of section
660 20.435, Florida Statutes, are renumbered as subsection (13)
661 through (21), respectively, and present subsection (13) of that
662 section is amended to read:

663 20.435 Department of Health; trust funds.—The following
664 trust funds shall be administered by the Department of Health:

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

666 ~~(a) Funds to be credited to and uses of the trust fund~~
667 ~~shall be administered in accordance with the provisions of~~
668 ~~chapter 499.~~

669 ~~(b) Notwithstanding the provisions of s. 216.301 and~~
670 ~~pursuant to s. 216.351, any balance in the trust fund at the end~~
671 ~~of any fiscal year shall remain in the trust fund at the end of~~
672 ~~the year and shall be available for carrying out the purposes of~~

ENROLLED

CS/CS/CS/HB 1263, Engrossed 3

2012 Legislature

673 | ~~the trust fund.~~
 674 | Section 3. Section 154.05, Florida Statutes, is amended to
 675 | read:
 676 | 154.05 Cooperation and agreements between counties.—
 677 | Counties may establish cooperative arrangements for shared
 678 | county health departments in the following ways:
 679 | (1) Two or more counties may combine in the establishment
 680 | and maintenance of a single full-time county health department
 681 | for the counties which combine for that purpose; and, pursuant
 682 | to such combination or agreement, such counties may cooperate
 683 | with one another and the Department of Health and contribute to
 684 | a joint fund in carrying out the purpose and intent of this
 685 | chapter. The duration and nature of such agreement shall be
 686 | evidenced by resolutions of the boards of county commissioners
 687 | of such counties and shall be submitted to and approved by the
 688 | department. In the event of any such agreement, a full-time
 689 | county health department shall be established and maintained by
 690 | the department in and for the benefit of the counties which have
 691 | entered into such an agreement; and, in such case, the funds
 692 | raised by taxation pursuant to this chapter by each such county
 693 | shall be paid to the Chief Financial Officer for the account of
 694 | the department and shall be known as the full-time county health
 695 | department trust fund of the counties so cooperating. Such trust
 696 | funds shall be used and expended by the department for the
 697 | purposes specified in this chapter in each county which has
 698 | entered into such agreement. In case such an agreement is
 699 | entered into between two or more counties, the work contemplated
 700 | by this chapter shall be done by a single full-time county

ENROLLED

CS/CS/CS/HB 1263, Engrossed 3

2012 Legislature

701 health department in the counties so cooperating; and the
 702 nature, extent, and location of such work shall be under the
 703 control and direction of the department.

704 (2) The operations of two or more county health
 705 departments may be combined when the parties agree to the
 706 specific roles and responsibilities of each county and county
 707 health department. Such an agreement shall specify the roles and
 708 responsibilities of each county and county health department,
 709 including the method of governance and executive direction; the
 710 manner by which each county's public health needs will be
 711 addressed; an inventory of necessary facilities, equipment, and
 712 personnel; and any other needed infrastructure.

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

715 212.08 Sales, rental, use, consumption, distribution, and
 716 storage tax; specified exemptions.—The sale at retail, the
 717 rental, the use, the consumption, the distribution, and the
 718 storage to be used or consumed in this state of the following
 719 are hereby specifically exempt from the tax imposed by this
 720 chapter.

721 (2) EXEMPTIONS; MEDICAL.—

722 (a) There shall be exempt from the tax imposed by this
 723 chapter any medical products and supplies or medicine dispensed
 724 according to an individual prescription or prescriptions written
 725 by a prescriber authorized by law to prescribe medicinal drugs;
 726 hypodermic needles; hypodermic syringes; chemical compounds and
 727 test kits used for the diagnosis or treatment of human disease,
 728 illness, or injury; and common household remedies recommended

ENROLLED

CS/CS/CS/HB 1263, Engrossed 3

2012 Legislature

729 and generally sold for internal or external use in the cure,
 730 mitigation, treatment, or prevention of illness or disease in
 731 human beings, but not including cosmetics or toilet articles,
 732 notwithstanding the presence of medicinal ingredients therein,
 733 according to a list prescribed and approved by the Department of
 734 Business and Professional Regulation ~~Health~~, which list shall be
 735 certified to the Department of Revenue from time to time and
 736 included in the rules promulgated by the Department of Revenue.
 737 There shall also be exempt from the tax imposed by this chapter
 738 artificial eyes and limbs; orthopedic shoes; prescription
 739 eyeglasses and items incidental thereto or which become a part
 740 thereof; dentures; hearing aids; crutches; prosthetic and
 741 orthopedic appliances; and funerals. In addition, any items
 742 intended for one-time use which transfer essential optical
 743 characteristics to contact lenses shall be exempt from the tax
 744 imposed by this chapter; however, this exemption shall apply
 745 only after \$100,000 of the tax imposed by this chapter on such
 746 items has been paid in any calendar year by a taxpayer who
 747 claims the exemption in such year. Funeral directors shall pay
 748 tax on all tangible personal property used by them in their
 749 business.

750 (b) For the purposes of this subsection:

751 1. "Prosthetic and orthopedic appliances" means any
 752 apparatus, instrument, device, or equipment used to replace or
 753 substitute for any missing part of the body, to alleviate the
 754 malfunction of any part of the body, or to assist any disabled
 755 person in leading a normal life by facilitating such person's
 756 mobility. Such apparatus, instrument, device, or equipment shall

ENROLLED

CS/CS/CS/HB 1263, Engrossed 3

2012 Legislature

757 | be exempted according to an individual prescription or
758 | prescriptions written by a physician licensed under chapter 458,
759 | chapter 459, chapter 460, chapter 461, or chapter 466, or
760 | according to a list prescribed and approved by the Department of
761 | Health, which list shall be certified to the Department of
762 | Revenue from time to time and included in the rules promulgated
763 | by the Department of Revenue.

764 | 2. "Cosmetics" means articles intended to be rubbed,
765 | poured, sprinkled, or sprayed on, introduced into, or otherwise
766 | applied to the human body for cleansing, beautifying, promoting
767 | attractiveness, or altering the appearance and also means
768 | articles intended for use as a compound of any such articles,
769 | including, but not limited to, cold creams, suntan lotions,
770 | makeup, and body lotions.

771 | 3. "Toilet articles" means any article advertised or held
772 | out for sale for grooming purposes and those articles that are
773 | customarily used for grooming purposes, regardless of the name
774 | by which they may be known, including, but not limited to, soap,
775 | toothpaste, hair spray, shaving products, colognes, perfumes,
776 | shampoo, deodorant, and mouthwash.

777 | 4. "Prescription" includes any order for drugs or
778 | medicinal supplies written or transmitted by any means of
779 | communication by a duly licensed practitioner authorized by the
780 | laws of the state to prescribe such drugs or medicinal supplies
781 | and intended to be dispensed by a pharmacist. The term also
782 | includes an orally transmitted order by the lawfully designated
783 | agent of such practitioner. The term also includes an order
784 | written or transmitted by a practitioner licensed to practice in

ENROLLED

CS/CS/CS/HB 1263, Engrossed 3

2012 Legislature

785 a jurisdiction other than this state, but only if the pharmacist
786 called upon to dispense such order determines, in the exercise
787 of his or her professional judgment, that the order is valid and
788 necessary for the treatment of a chronic or recurrent illness.
789 The term also includes a pharmacist's order for a product
790 selected from the formulary created pursuant to s. 465.186. A
791 prescription may be retained in written form, or the pharmacist
792 may cause it to be recorded in a data processing system,
793 provided that such order can be produced in printed form upon
794 lawful request.

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

798 (d) Lithotripters are exempt.

799 (e) Human organs are exempt.

800 (f) Sales of drugs to or by physicians, dentists,
801 veterinarians, and hospitals in connection with medical
802 treatment are exempt.

803 (g) Medical products and supplies used in the cure,
804 mitigation, alleviation, prevention, or treatment of injury,
805 disease, or incapacity which are temporarily or permanently
806 incorporated into a patient or client by a practitioner of the
807 healing arts licensed in the state are exempt.

808 (h) The purchase by a veterinarian of commonly recognized
809 substances possessing curative or remedial properties which are
810 ordered and dispensed as treatment for a diagnosed health
811 disorder by or on the prescription of a duly licensed
812 veterinarian, and which are applied to or consumed by animals

ENROLLED

CS/CS/CS/HB 1263, Engrossed 3

2012 Legislature

813 for alleviation of pain or the cure or prevention of sickness,
 814 disease, or suffering are exempt. Also exempt are the purchase
 815 by a veterinarian of antiseptics, absorbent cotton, gauze for
 816 bandages, lotions, vitamins, and worm remedies.

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

821 (j) Parts, special attachments, special lettering, and
 822 other like items that are added to or attached to tangible
 823 personal property so that a handicapped person can use them are
 824 exempt when such items are purchased by a person pursuant to an
 825 individual prescription.

826 (k) This subsection shall be strictly construed and
 827 enforced.

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

830 215.5602 James and Esther King Biomedical Research
 831 Program.—

832 (10) The council shall submit an annual progress report on
 833 the state of biomedical research in this state to ~~the Florida~~
 834 ~~Center for Universal Research to Eradicate Disease and to the~~
 835 Governor, the State Surgeon General, the President of the
 836 Senate, and the Speaker of the House of Representatives by
 837 February 1. The report must include:

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

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

ENROLLED

CS/CS/CS/HB 1263, Engrossed 3

2012 Legislature

841 (c) A list of publications in peer reviewed journals
 842 involving research supported by grants or fellowships awarded
 843 under the program.

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

846 (e) New grants for biomedical research which were funded
 847 based on research supported by grants or fellowships awarded
 848 under the program.

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

852 ~~(12) From funds appropriated to accomplish the goals of~~
 853 ~~this section, up to \$250,000 shall be available for the~~
 854 ~~operating costs of the Florida Center for Universal Research to~~
 855 ~~Eradicate Disease.~~ Beginning in the 2011-2012 fiscal year and
 856 thereafter, \$25 million from the revenue deposited into the
 857 Health Care Trust Fund pursuant to ss. 210.011(9) and 210.276(7)
 858 shall be reserved for research of tobacco-related or cancer-
 859 related illnesses. Of the revenue deposited in the Health Care
 860 Trust Fund pursuant to this section, \$25 million shall be
 861 transferred to the Biomedical Research Trust Fund within the
 862 Department of Health. Subject to annual appropriations in the
 863 General Appropriations Act, \$5 million shall be appropriated to
 864 the James and Esther King Biomedical Research Program, \$5
 865 million shall be appropriated to the William G. "Bill" Bankhead,
 866 Jr., and David Coley Cancer Research Program created under s.
 867 381.922, \$5 million shall be appropriated to the H. Lee Moffitt
 868 Cancer Center and Research Institute established under s.

ENROLLED

CS/CS/CS/HB 1263, Engrossed 3

2012 Legislature

869 1004.43, \$5 million shall be appropriated to the Sylvester
 870 Comprehensive Cancer Center of the University of Miami, and \$5
 871 million shall be appropriated to the ~~University of Florida~~
 872 Shands Cancer Hospital ~~Center~~.

873 Section 6. Section 381.001, Florida Statutes, is amended
 874 to read:

875 381.001 ~~Legislative intent~~; Public health system.—

876 ~~(1) It is the intent of the Legislature that~~ The
 877 Department of Health is ~~be~~ responsible for the state's public
 878 health system which shall be designed to promote, protect, and
 879 improve the health of all people in the state. ~~The mission of~~
 880 ~~the state's public health system is to foster the conditions in~~
 881 ~~which people can be healthy, by assessing state and community~~
 882 ~~health needs and priorities through data collection,~~
 883 ~~epidemiologic studies, and community participation; by~~
 884 ~~developing comprehensive public health policies and objectives~~
 885 ~~aimed at improving the health status of people in the state; and~~
 886 ~~by ensuring essential health care and an environment which~~
 887 ~~enhances the health of the individual and the community. The~~
 888 department shall provide leadership for ~~Legislature recognizes~~
 889 ~~that the state's public health system must be founded on an~~
 890 active partnership working toward shared public health goals and
 891 involving between federal, state, and local governments and the
 892 private sector ~~government and between the public and private~~
 893 ~~sectors, and, therefore, assessment, policy development, and~~
 894 ~~service provision must be shared by all of these entities to~~
 895 ~~achieve its mission.~~

896 ~~(2) It is the intent of the Legislature that the~~

ENROLLED

CS/CS/CS/HB 1263, Engrossed 3

2012 Legislature

897 ~~department, in carrying out the mission of public health, focus~~
898 ~~attention on identifying, assessing, and controlling the~~
899 ~~presence and spread of communicable diseases; on monitoring and~~
900 ~~regulating factors in the environment which may impair the~~
901 ~~public's health, with particular attention to preventing~~
902 ~~contamination of drinking water, the air people breathe, and the~~
903 ~~food people consume; and ensuring availability of and access to~~
904 ~~preventive and primary health care, including, but not limited~~
905 ~~to, acute and episodic care, prenatal and postpartum care, child~~
906 ~~health, family planning, school health, chronic disease~~
907 ~~prevention, child and adult immunization, dental health,~~
908 ~~nutrition, and health education and promotion services.~~

909 ~~(3) It is, furthermore, the intent of the Legislature that~~
910 ~~the public health system include comprehensive planning, data~~
911 ~~collection, technical support, and health resource development~~
912 ~~functions. These functions include, but are not limited to,~~
913 ~~state laboratory and pharmacy services, the state vital~~
914 ~~statistics system, the Florida Center for Health Information and~~
915 ~~Policy Analysis, emergency medical services coordination and~~
916 ~~support, and recruitment, retention, and development of~~
917 ~~preventive and primary health care professionals and managers.~~

918 ~~(4) It is, furthermore, the intent of the Legislature that~~
919 ~~the department provide public health services through the 67~~
920 ~~county health departments in partnership with county~~
921 ~~governments, as specified in part I of chapter 154, and in so~~
922 ~~doing make every attempt possible to solicit the support and~~
923 ~~involvement of private and not-for-profit health care agencies~~
924 ~~in fulfilling the public health mission.~~

ENROLLED

CS/CS/CS/HB 1263, Engrossed 3

2012 Legislature

925 Section 7. Section 381.0011, Florida Statutes, is amended
 926 to read:

927 381.0011 Duties and powers of the Department of Health.—It
 928 is the duty of the Department of Health to:

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

934 ~~(2) Formulate general policies affecting the public health~~
 935 ~~of the state.~~

936 (2)~~(3)~~ Administer and enforce laws and rules relating to
 937 sanitation, control of communicable diseases, illnesses and
 938 hazards to health among humans and from animals to humans, and
 939 the general health of the people of the state.

940 (3)~~(4)~~ Coordinate with ~~Cooperate with and accept~~
 941 ~~assistance from federal, state, and local officials for the~~
 942 ~~prevention and suppression of communicable and other diseases,~~
 943 ~~illnesses, injuries, and hazards to human health.~~

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

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

952 ~~1. The closure of premises.~~

ENROLLED

CS/CS/CS/HB 1263, Engrossed 3

2012 Legislature

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

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

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

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

961 ~~6. The disinfection of quarantined animals, persons, or~~
 962 ~~premises.~~

963 ~~7. Methods of quarantine.~~

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

967 (4)~~(6)~~ Provide for a thorough investigation and study of
 968 the incidence, causes, modes of propagation and transmission,
 969 and means of prevention, control, and cure of diseases,
 970 illnesses, and hazards to human health.

971 (5)~~(7)~~ Provide for the dissemination of information to the
 972 public relative to the prevention, control, and cure of
 973 diseases, illnesses, and hazards to human health. ~~The department~~
 974 ~~shall conduct a workshop before issuing any health alert or~~
 975 ~~advisory relating to food borne illness or communicable disease~~
 976 ~~in public lodging or food service establishments in order to~~
 977 ~~inform persons, trade associations, and businesses of the risk~~
 978 ~~to public health and to seek the input of affected persons,~~
 979 ~~trade associations, and businesses on the best methods of~~
 980 ~~informing and protecting the public, except in an emergency, in~~

ENROLLED

CS/CS/CS/HB 1263, Engrossed 3

2012 Legislature

981 ~~which case the workshop must be held within 14 days after the~~
 982 ~~issuance of the emergency alert or advisory.~~

983 ~~(6)-(8) Act as registrar of vital statistics.~~

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

986 ~~(10) Cooperate with other departments, local officials,~~
 987 ~~and private boards and organizations for the improvement and~~
 988 ~~preservation of the public health.~~

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

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

995 ~~(7)-(13) Manage and coordinate emergency preparedness and~~
 996 ~~disaster response functions to: investigate and control the~~
 997 ~~spread of disease; coordinate the availability and staffing of~~
 998 ~~special needs shelters; support patient evacuation; ensure the~~
 999 ~~safety of food and drugs; provide critical incident stress~~
 1000 ~~debriefing; and provide surveillance and control of~~
 1001 ~~radiological, chemical, biological, and other environmental~~
 1002 ~~hazards.~~

1003 ~~(14) Perform any other duties prescribed by law.~~

1004 Section 8. Section 381.0013, Florida Statutes, is
 1005 repealed.

1006 Section 9. Section 381.0014, Florida Statutes, is
 1007 repealed.

1008 Section 10. Section 381.0015, Florida Statutes, is

ENROLLED

CS/CS/CS/HB 1263, Engrossed 3

2012 Legislature

1009 repealed.
 1010 Section 11. Section 381.0016, Florida Statutes, is amended
 1011 to read:
 1012 381.0016 County and municipal regulations and ordinances.—
 1013 Any county or municipality may enact, in a manner prescribed by
 1014 law, health regulations and ordinances not inconsistent with
 1015 state public health laws and rules adopted by the department.
 1016 Section 12. Section 381.0017, Florida Statutes, is
 1017 repealed.
 1018 Section 13. Section 381.0025, Florida Statutes, is
 1019 repealed.
 1020 Section 14. Paragraph (d) of subsection (1) of section
 1021 381.003, Florida Statutes, is amended to read:
 1022 381.003 Communicable disease and AIDS prevention and
 1023 control.—
 1024 (1) The department shall conduct a communicable disease
 1025 prevention and control program as part of fulfilling its public
 1026 health mission. A communicable disease is any disease caused by
 1027 transmission of a specific infectious agent, or its toxic
 1028 products, from an infected person, an infected animal, or the
 1029 environment to a susceptible host, either directly or
 1030 indirectly. The communicable disease program must include, but
 1031 need not be limited to:
 1032 (d) Programs for the prevention, control, and reporting of
 1033 communicable diseases of public health significance as provided
 1034 for in this chapter.
 1035 Section 15. Section 381.0031, Florida Statutes, is amended
 1036 to read:

ENROLLED

CS/CS/CS/HB 1263, Engrossed 3

2012 Legislature

1037 381.0031 Epidemiological research; report of diseases of
 1038 public health significance to department.-

1039 (1) The department may conduct studies concerning the
 1040 epidemiology of diseases of public health significance affecting
 1041 people in Florida.

1042 (2) Any practitioner licensed in this state to practice
 1043 medicine, osteopathic medicine, chiropractic medicine,
 1044 naturopathy, or veterinary medicine; any hospital licensed under
 1045 part I of chapter 395; or any laboratory licensed under chapter
 1046 483 that diagnoses or suspects the existence of a disease of
 1047 public health significance shall immediately report the fact to
 1048 the Department of Health.

1049 ~~(3)~~(2) Periodically the department shall issue a list of
 1050 infectious or noninfectious diseases determined by it to be a
 1051 threat to public health and therefore of significance to public
 1052 health and shall furnish a copy of the list to the practitioners
 1053 listed in subsection (2) ~~(1)~~. The list shall be based on the
 1054 diseases recommended to be nationally notifiable by the Council
 1055 of State and Territorial Epidemiologists and the Centers for
 1056 Disease Control and Prevention. The department may expand upon
 1057 the list if a disease emerges for which regular, frequent, and
 1058 timely information regarding individual cases is considered
 1059 necessary for the prevention and control of a disease specific
 1060 to Florida.

1061 ~~(4)~~(3) Reports required by this section must be in
 1062 accordance with methods specified by rule of the department.

1063 ~~(5)~~(4) Information submitted in reports required by this
 1064 section is confidential, exempt from the provisions of s.

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CS/CS/CS/HB 1263, Engrossed 3

2012 Legislature

1065 119.07(1), and is to be made public only when necessary to
 1066 public health. A report so submitted is not a violation of the
 1067 confidential relationship between practitioner and patient.

1068 (6)~~(5)~~ The department may obtain and inspect copies of
 1069 medical records, records of laboratory tests, and other medical-
 1070 related information for reported cases of diseases of public
 1071 health significance described in subsection (2). The department
 1072 shall examine the records of a person who has a disease of
 1073 public health significance only for purposes of preventing and
 1074 eliminating outbreaks of disease and making epidemiological
 1075 investigations of reported cases of diseases of public health
 1076 significance, notwithstanding any other law to the contrary.
 1077 Health care practitioners, licensed health care facilities, and
 1078 laboratories shall allow the department to inspect and obtain
 1079 copies of such medical records and medical-related information,
 1080 notwithstanding any other law to the contrary. Release of
 1081 medical records and medical-related information to the
 1082 department by a health care practitioner, licensed health care
 1083 facility, or laboratory, or by an authorized employee or agent
 1084 thereof, does not constitute a violation of the confidentiality
 1085 of patient records. A health care practitioner, health care
 1086 facility, or laboratory, or any employee or agent thereof, may
 1087 not be held liable in any manner for damages and is not subject
 1088 to criminal penalties for providing patient records to the
 1089 department as authorized by this section.

1090 (7)~~(6)~~ The department may adopt rules related to reporting
 1091 diseases of significance to public health, which must specify
 1092 the information to be included in the report, who is required to

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CS/CS/CS/HB 1263, Engrossed 3

2012 Legislature

1093 | report, the method and time period for reporting, requirements
 1094 | for enforcement, and required followup activities by the
 1095 | department which are necessary to protect public health.

1096 | (8) This section does not affect s. 384.25.

1097 | Section 16. Subsections (4), (5), and (6) are added to
 1098 | section 381.00315, Florida Statutes, to read:

1099 | 381.00315 Public health advisories; public health
 1100 | emergencies; quarantines.—The State Health Officer is
 1101 | responsible for declaring public health emergencies and
 1102 | quarantines and issuing public health advisories.

1103 | (4) The department has the duty and the authority to
 1104 | declare, enforce, modify, and abolish quarantines of persons,
 1105 | animals, and premises as the circumstances indicate for
 1106 | controlling communicable diseases or providing protection from
 1107 | unsafe conditions that pose a threat to public health, except as
 1108 | provided in ss. 384.28 and 392.545-392.60.

1109 | (5) The department shall adopt rules to specify the
 1110 | conditions and procedures for imposing and releasing a
 1111 | quarantine. The rules must include provisions related to:

1112 | (a) The closure of premises.

1113 | (b) The movement of persons or animals exposed to or
 1114 | infected with a communicable disease.

1115 | (c) The tests or treatment, including vaccination, for
 1116 | communicable disease required prior to employment or admission
 1117 | to the premises or to comply with a quarantine.

1118 | (d) Testing or destruction of animals with or suspected of
 1119 | having a disease transmissible to humans.

1120 | (e) Access by the department to quarantined premises.

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CS/CS/CS/HB 1263, Engrossed 3

2012 Legislature

1121 (f) The disinfection of quarantined animals, persons, or
 1122 premises.

1123 (g) Methods of quarantine.

1124 (6) The rules adopted under this section and actions taken
 1125 by the department pursuant to a declared public health emergency
 1126 or quarantine shall supersede all rules enacted by other state
 1127 departments, boards or commissions, and ordinances and
 1128 regulations enacted by political subdivisions of the state. Any
 1129 person who violates any rule adopted under this section, any
 1130 quarantine, or any requirement adopted by the department
 1131 pursuant to a declared public health emergency, commits a
 1132 misdemeanor of the second degree, punishable as provided in s.
 1133 775.082 or s. 775.083.

1134 Section 17. Section 381.0032, Florida Statutes, is
 1135 repealed.

1136 Section 18. Section 381.00325, Florida Statutes, is
 1137 repealed.

1138 Section 19. Subsection (1) of section 381.0034, Florida
 1139 Statutes, is amended to read:

1140 381.0034 Requirement for instruction on HIV and AIDS.—

1141 (1) ~~As of July 1, 1991,~~ The Department of Health shall
 1142 require each person licensed or certified under chapter 401,
 1143 chapter 467, part IV of chapter 468, or chapter 483, as a
 1144 condition of biennial relicensure, to complete an educational
 1145 course approved by the department on the modes of transmission,
 1146 infection control procedures, clinical management, and
 1147 prevention of human immunodeficiency virus and acquired immune
 1148 deficiency syndrome. Such course shall include information on

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CS/CS/CS/HB 1263, Engrossed 3

2012 Legislature

1149 current Florida law on acquired immune deficiency syndrome and
 1150 its impact on testing, confidentiality of test results, and
 1151 treatment of patients. Each such licensee or certificateholder
 1152 shall submit confirmation of having completed said course, on a
 1153 form provided by the department, when submitting fees or
 1154 application for each biennial renewal.

1155 Section 20. Section 381.0037, Florida Statutes, is
 1156 repealed.

1157 Section 21. Subsections (2) through (11) of section
 1158 381.004, Florida Statutes, are renumbered as subsections (1)
 1159 through (10), respectively, and present subsection (1),
 1160 paragraph (a) of present subsection (3), paragraph (d) of
 1161 present subsection (5), present subsection (7), and paragraph
 1162 (c) of present subsection (11) of that section are amended to
 1163 read:

1164 381.004 HIV testing.-

1165 ~~(1) LEGISLATIVE INTENT. The Legislature finds that the use~~
 1166 ~~of tests designed to reveal a condition indicative of human~~
 1167 ~~immunodeficiency virus infection can be a valuable tool in~~
 1168 ~~protecting the public health. The Legislature finds that despite~~
 1169 ~~existing laws, regulations, and professional standards which~~
 1170 ~~require or promote the informed, voluntary, and confidential use~~
 1171 ~~of tests designed to reveal human immunodeficiency virus~~
 1172 ~~infection, many members of the public are deterred from seeking~~
 1173 ~~such testing because they misunderstand the nature of the test~~
 1174 ~~or fear that test results will be disclosed without their~~
 1175 ~~consent. The Legislature finds that the public health will be~~
 1176 ~~served by facilitating informed, voluntary, and confidential use~~

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CS/CS/CS/HB 1263, Engrossed 3

2012 Legislature

1177 ~~of tests designed to detect human immunodeficiency virus~~
 1178 ~~infection.~~

1179 (3) HUMAN IMMUNODEFICIENCY VIRUS TESTING; INFORMED
 1180 CONSENT; RESULTS; COUNSELING; CONFIDENTIALITY.—

1181 (a) No person in this state shall order a test designed to
 1182 identify the human immunodeficiency virus, or its antigen or
 1183 antibody, without first obtaining the informed consent of the
 1184 person upon whom the test is being performed, except as
 1185 specified in paragraph (h). Informed consent shall be preceded
 1186 by an explanation of the right to confidential treatment of
 1187 information identifying the subject of the test and the results
 1188 of the test to the extent provided by law. Information shall
 1189 also be provided on the fact that a positive HIV test result
 1190 will be reported to the county health department with sufficient
 1191 information to identify the test subject and on the availability
 1192 and location of sites at which anonymous testing is performed.
 1193 As required in paragraph (3)(c) ~~(4)(e)~~, each county health
 1194 department shall maintain a list of sites at which anonymous
 1195 testing is performed, including the locations, phone numbers,
 1196 and hours of operation of the sites. Consent need not be in
 1197 writing provided there is documentation in the medical record
 1198 that the test has been explained and the consent has been
 1199 obtained.

1200 (4) ~~(5)~~ HUMAN IMMUNODEFICIENCY VIRUS TESTING REQUIREMENTS;
 1201 REGISTRATION WITH THE DEPARTMENT OF HEALTH; EXEMPTIONS FROM
 1202 REGISTRATION.—No county health department and no other person in
 1203 this state shall conduct or hold themselves out to the public as
 1204 conducting a testing program for acquired immune deficiency

ENROLLED

CS/CS/CS/HB 1263, Engrossed 3

2012 Legislature

1205 syndrome or human immunodeficiency virus status without first
 1206 registering with the Department of Health, reregistering each
 1207 year, complying with all other applicable provisions of state
 1208 law, and meeting the following requirements:

1209 (d) The program must meet all the informed consent
 1210 criteria contained in subsection (2) ~~(3)~~.

1211 (7) EXEMPTIONS.—Except as provided in paragraph (3) (d)
 1212 ~~(4) (d)~~ and ss. 627.429 and 641.3007, insurers and others
 1213 participating in activities related to the insurance application
 1214 and underwriting process shall be exempt from this section.

1215 (10) ~~(11)~~ TESTING AS A CONDITION OF TREATMENT OR
 1216 ADMISSION.—

1217 (c) Any violation of this subsection or the rules
 1218 implementing it shall be punishable as provided in subsection
 1219 (5) ~~(6)~~.

1220 Section 22. Subsection (2) of section 381.0046, Florida
 1221 Statutes, is amended to read:

1222 381.0046 Statewide HIV and AIDS prevention campaign.—

1223 (2) The Department of Health shall establish dedicated
 1224 ~~four~~ positions within the department for HIV and AIDS regional
 1225 minority coordinators and ~~one position for~~ a statewide HIV and
 1226 AIDS minority coordinator. The coordinators shall facilitate
 1227 statewide efforts to implement and coordinate HIV and AIDS
 1228 prevention and treatment programs. ~~The statewide coordinator~~
 1229 ~~shall report directly to the chief of the Bureau of HIV and AIDS~~
 1230 ~~within the Department of Health.~~

1231 Section 23. Subsections (3) through (7) of section
 1232 381.0051, Florida Statutes, are renumbered as subsections (2)

ENROLLED

CS/CS/CS/HB 1263, Engrossed 3

2012 Legislature

1233 through (6), respectively, and present subsection (2) of that
 1234 section is amended to read:

1235 381.0051 Family planning.—

1236 ~~(2) LEGISLATIVE INTENT. It is the intent of the~~
 1237 ~~Legislature to make available to citizens of the state of~~
 1238 ~~childbearing age comprehensive medical knowledge, assistance,~~
 1239 ~~and services relating to the planning of families and maternal~~
 1240 ~~health care.~~

1241 Section 24. Subsection (5) of section 381.0052, Florida
 1242 Statutes, is amended to read:

1243 381.0052 Dental health.—

1244 ~~(5) The department may adopt rules to implement this~~
 1245 ~~section.~~

1246 Section 25. Subsection (4) of section 381.0053, Florida
 1247 Statutes, is amended to read:

1248 381.0053 Comprehensive nutrition program.—

1249 ~~(4) The department may promulgate rules to implement the~~
 1250 ~~provisions of this section.~~

1251 Section 26. Section 381.0054, Florida Statutes, is
 1252 repealed.

1253 Section 27. Subsections (3) through (11) of section
 1254 381.0056, Florida Statutes are renumbered as subsections (2)
 1255 through (9), respectively, and present subsections (2), (3), and
 1256 (11) of that section are amended to read:

1257 381.0056 School health services program.—

1258 ~~(2) The Legislature finds that health services conducted~~
 1259 ~~as a part of the total school health program should be carried~~
 1260 ~~out to appraise, protect, and promote the health of students.~~

ENROLLED

CS/CS/CS/HB 1263, Engrossed 3

2012 Legislature

1261 ~~School health services supplement, rather than replace, parental~~
 1262 ~~responsibility and are designed to encourage parents to devote~~
 1263 ~~attention to child health, to discover health problems, and to~~
 1264 ~~encourage use of the services of their physicians, dentists, and~~
 1265 ~~community health agencies.~~

1266 (2) ~~(3)~~ As ~~When~~ used in ~~or for~~ purposes of this section:

1267 (a) "Emergency health needs" means onsite management and
 1268 aid for illness or injury pending the student's return to the
 1269 classroom or release to a parent, guardian, designated friend,
 1270 or designated health care provider.

1271 (b) "Entity" or "health care entity" means a unit of local
 1272 government or a political subdivision of the state; a hospital
 1273 licensed under chapter 395; a health maintenance organization
 1274 certified under chapter 641; a health insurer authorized under
 1275 the Florida Insurance Code; a community health center; a migrant
 1276 health center; a federally qualified health center; an
 1277 organization that meets the requirements for nonprofit status
 1278 under s. 501(c)(3) of the Internal Revenue Code; a private
 1279 industry or business; or a philanthropic foundation that agrees
 1280 to participate in a public-private partnership with a county
 1281 health department, local school district, or school in the
 1282 delivery of school health services, and agrees to the terms and
 1283 conditions for the delivery of such services as required by this
 1284 section and as documented in the local school health services
 1285 plan.

1286 (c) "Invasive screening" means any screening procedure in
 1287 which the skin or any body orifice is penetrated.

1288 (d) "Physical examination" means a thorough evaluation of

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CS/CS/CS/HB 1263, Engrossed 3

2012 Legislature

1289 the health status of an individual.

1290 (e) "School health services plan" means the document that
 1291 describes the services to be provided, the responsibility for
 1292 provision of the services, the anticipated expenditures to
 1293 provide the services, and evidence of cooperative planning by
 1294 local school districts and county health departments.

1295 (f) "Screening" means presumptive identification of
 1296 unknown or unrecognized diseases or defects by the application
 1297 of tests that can be given with ease and rapidity to apparently
 1298 healthy persons.

1299 ~~(11) School health programs funded by health care~~
 1300 ~~districts or entities defined in subsection (3) must be~~
 1301 ~~supplementary to and consistent with the requirements of this~~
 1302 ~~section and ss. 381.0057 and 381.0059.~~

1303 Section 28. Subsections (2) through (7) of section
 1304 381.0057, Florida Statutes, are renumbered as subsections (1)
 1305 through (6), respectively, and present subsections (1), (4), and
 1306 (6) of that section are amended to read:

1307 381.0057 Funding for school health services.—

1308 ~~(1) It is the intent of the Legislature that funds in~~
 1309 ~~addition to those provided under the School Health Services Act~~
 1310 ~~be provided to those school districts and schools where there is~~
 1311 ~~a high incidence of medically underserved high-risk children,~~
 1312 ~~low birthweight babies, infant mortality, or teenage pregnancy.~~
 1313 ~~The purpose of this funding is to phase in those programs which~~
 1314 ~~offer the greatest potential for promoting the health of~~
 1315 ~~students and reducing teenage pregnancy.~~

1316 (3)~~(4)~~ Any school district, school, or laboratory school

ENROLLED

CS/CS/CS/HB 1263, Engrossed 3

2012 Legislature

1317 | which desires to receive state funding under the provisions of
 1318 | this section shall submit a proposal to the joint committee
 1319 | established in subsection (2) ~~(3)~~. The proposal shall state
 1320 | the goals of the program, provide specific plans for reducing
 1321 | teenage pregnancy, and describe all of the health services to be
 1322 | available to students with funds provided pursuant to this
 1323 | section, including a combination of initiatives such as health
 1324 | education, counseling, extracurricular, and self-esteem
 1325 | components. School health services shall not promote elective
 1326 | termination of pregnancy as a part of counseling services. Only
 1327 | those program proposals which have been developed jointly by
 1328 | county health departments and local school districts or schools,
 1329 | and which have community and parental support, shall be eligible
 1330 | for funding. Funding shall be available specifically for
 1331 | implementation of one of the following programs:

1332 | (a) *School health improvement pilot project.*—The program
 1333 | shall include basic health care to an elementary school, middle
 1334 | school, and high school feeder system. Program services shall
 1335 | include, but not be limited to:

1336 | 1. Planning, implementing, and evaluating school health
 1337 | services. Staffing shall include a full-time, trained school
 1338 | health aide in each elementary, middle, and high school; one
 1339 | full-time nurse to supervise the aides in the elementary and
 1340 | middle schools; and one full-time nurse in each high school.

1341 | 2. Providing student health appraisals and identification
 1342 | of actual or potential health problems by screenings, nursing
 1343 | assessments, and record reviews.

1344 | 3. Expanding screening activities.

ENROLLED

CS/CS/CS/HB 1263, Engrossed 3

2012 Legislature

1345 4. Improving the student utilization of school health
1346 services.

1347 5. Coordinating health services for students with parents
1348 or guardians and other agencies in the community.

1349 (b) *Student support services team program.*—The program
1350 shall include a multidisciplinary team composed of a
1351 psychologist, social worker, and nurse whose responsibilities
1352 are to provide basic support services and to assist, in the
1353 school setting, children who exhibit mild to severely complex
1354 health, behavioral, or learning problems affecting their school
1355 performance. Support services shall include, but not be limited
1356 to: evaluation and treatment for minor illnesses and injuries,
1357 referral and followup for serious illnesses and emergencies,
1358 onsite care and consultation, referral to a physician, and
1359 followup care for pregnancy or chronic diseases and disorders as
1360 well as emotional or mental problems. Services also shall
1361 include referral care for drug and alcohol abuse and sexually
1362 transmitted diseases, sports and employment physicals,
1363 immunizations, and in addition, effective preventive services
1364 aimed at delaying early sexual involvement and aimed at
1365 pregnancy, acquired immune deficiency syndrome, sexually
1366 transmitted diseases, and destructive lifestyle conditions, such
1367 as alcohol and drug abuse. Moneys for this program shall be used
1368 to fund three teams, each consisting of one half-time
1369 psychologist, one full-time nurse, and one full-time social
1370 worker. Each team shall provide student support services to an
1371 elementary school, middle school, and high school that are a
1372 part of one feeder school system and shall coordinate all

ENROLLED

CS/CS/CS/HB 1263, Engrossed 3

2012 Legislature

1373 activities with the school administrator and guidance counselor
 1374 at each school. A program which places all three teams in middle
 1375 schools or high schools may also be proposed.

1376 (c) *Full service schools.*—The full-service schools shall
 1377 integrate the services of the Department of Health that are
 1378 critical to the continuity-of-care process. The department shall
 1379 provide services to students on the school grounds. Department
 1380 personnel shall provide their specialized services as an
 1381 extension of the educational environment. Such services may
 1382 include nutritional services, medical services, aid to dependent
 1383 children, parenting skills, counseling for abused children, and
 1384 education for the students' parents or guardians.

1385
 1386 Funding may also be available for any other program that is
 1387 comparable to a program described in this subsection but is
 1388 designed to meet the particular needs of the community.

1389 (5) ~~(6)~~ Each school district or school program that is
 1390 funded through the provisions of this section shall provide a
 1391 mechanism through which a parent may, by written request, exempt
 1392 a child from all or certain services provided by a school health
 1393 services program described in subsection (3) ~~(4)~~.

1394 Section 29. Section 381.00591, Florida Statutes, is
 1395 amended to read:

1396 381.00591 Department of Health; National Environmental
 1397 Laboratory accreditation; application; ~~rules.~~—The Department of
 1398 Health may apply for and become a National Environmental
 1399 Laboratory Accreditation Program accreditation body ~~accrediting~~
 1400 ~~authority. The department, as an accrediting entity, may adopt~~

ENROLLED

CS/CS/CS/HB 1263, Engrossed 3

2012 Legislature

1401 ~~rules pursuant to ss. 120.536(1) and 120.54, to implement~~
 1402 ~~standards of the National Environmental Laboratory Accreditation~~
 1403 ~~Program, including requirements for proficiency testing~~
 1404 ~~providers and other rules that are not inconsistent with this~~
 1405 ~~section, including rules pertaining to fees, application~~
 1406 ~~procedures, standards applicable to environmental or public~~
 1407 ~~water supply laboratories, and compliance.~~

1408 Section 30. Subsection (9) of section 381.00593, Florida
 1409 Statutes, is renumbered as subsection (8), and present
 1410 subsection (8) of that section is amended to read:

1411 381.00593 Public school volunteer health care practitioner
 1412 program.—

1413 ~~(8) The Department of Health, in cooperation with the~~
 1414 ~~Department of Education, may adopt rules necessary to implement~~
 1415 ~~this section. The rules shall include the forms to be completed~~
 1416 ~~and procedures to be followed by applicants and school personnel~~
 1417 ~~under the program.~~

1418 Section 31. Subsections (2) through (6) of section
 1419 381.0062, Florida Statutes, are renumbered as subsections (1)
 1420 through (5), respectively, and present subsections (1) and (4)
 1421 of that section are amended to read:

1422 381.0062 Supervision; private and certain public water
 1423 systems.—

1424 ~~(1) LEGISLATIVE INTENT. It is the intent of the~~
 1425 ~~Legislature to protect the public's health by establishing~~
 1426 ~~standards for the construction, modification, and operation of~~
 1427 ~~public and private water systems to assure consumers that the~~
 1428 ~~water provided by those systems is potable.~~

ENROLLED

CS/CS/CS/HB 1263, Engrossed 3

2012 Legislature

1429 (3) ~~(4)~~ RIGHT OF ENTRY.—For purposes of this section,
 1430 department personnel may enter, at any reasonable time and if
 1431 they have reasonable cause to believe a violation of this
 1432 section is occurring or about to occur, upon any and all parts
 1433 of the premises of such limited use public and multifamily
 1434 drinking water systems, to make an examination and investigation
 1435 to determine the sanitary and safety conditions of such systems.
 1436 ~~Any person who interferes with, hinders, or opposes any employee~~
 1437 ~~of the department in the discharge of his or her duties pursuant~~
 1438 ~~to the provisions of this section is subject to the penalties~~
 1439 ~~provided in s. 381.0025.~~

1440 Section 32. Subsections (1), (5), (6), and (7) of section
 1441 381.0065, Florida Statutes, are amended, paragraphs (b) through
 1442 (p) of subsection (2) of that section are redesignated as
 1443 paragraphs (c) through (q), respectively, a new paragraph (b) is
 1444 added to that subsection, paragraphs (c) and (j) of subsection
 1445 (3) and paragraphs (h), (n), and (o) of subsection (4) of that
 1446 section are amended, and paragraphs (w) through (aa) are added
 1447 to subsection (4) of that section, to read:

1448 381.0065 Onsite sewage treatment and disposal systems;
 1449 regulation.—

1450 (1) LEGISLATIVE INTENT.—

1451 (a) It is the intent of the Legislature that proper
 1452 management of onsite sewage treatment and disposal systems is
 1453 paramount to the health, safety, and welfare of the public. ~~It~~
 1454 ~~is further the intent of the Legislature that the department~~
 1455 ~~shall administer an evaluation program to ensure the operational~~
 1456 ~~condition of the system and identify any failure with the~~

ENROLLED

CS/CS/CS/HB 1263, Engrossed 3

2012 Legislature

1457 ~~system.~~

1458 (b) It is the intent of the Legislature that where a
 1459 publicly owned or investor-owned sewerage system is not
 1460 available, the department shall issue permits for the
 1461 construction, installation, modification, abandonment, or repair
 1462 of onsite sewage treatment and disposal systems under conditions
 1463 as described in this section and rules adopted under this
 1464 section. It is further the intent of the Legislature that the
 1465 installation and use of onsite sewage treatment and disposal
 1466 systems not adversely affect the public health or significantly
 1467 degrade the groundwater or surface water.

1468 (2) DEFINITIONS.—As used in ss. 381.0065–381.0067, the
 1469 term:

1470 (b)1. "Bedroom" means a room that can be used for sleeping
 1471 and that:

1472 a. For site-built dwellings, has a minimum of 70 square
 1473 feet of conditioned space;

1474 b. For manufactured homes, is constructed according to
 1475 standards of the United States Department of Housing and Urban
 1476 Development and has a minimum of 50 square feet of floor area;

1477 c. Is located along an exterior wall;

1478 d. Has a closet and a door or an entrance where a door
 1479 could be reasonably installed; and

1480 e. Has an emergency means of escape and rescue opening to
 1481 the outside.

1482 2. A room may not be considered a bedroom if it is used to
 1483 access another room except a bathroom or closet.

1484 3. "Bedroom" does not include a hallway, bathroom,

ENROLLED

CS/CS/CS/HB 1263, Engrossed 3

2012 Legislature

1485 kitchen, living room, family room, dining room, den, breakfast
 1486 nook, pantry, laundry room, sunroom, recreation room,
 1487 media/video room, or exercise room.

1488 (3) DUTIES AND POWERS OF THE DEPARTMENT OF HEALTH.—The
 1489 department shall:

1490 (c) Develop a comprehensive program to ensure that onsite
 1491 sewage treatment and disposal systems regulated by the
 1492 department are sized, designed, constructed, installed,
 1493 repaired, modified, abandoned, used, operated, and maintained in
 1494 compliance with this section and rules adopted under this
 1495 section to prevent groundwater contamination and surface water
 1496 contamination and to preserve the public health. The department
 1497 is the final administrative interpretive authority regarding
 1498 rule interpretation. In the event of a conflict regarding rule
 1499 interpretation, the State Surgeon General ~~Division Director for~~
 1500 ~~Environmental Health of the department~~, or his or her designee,
 1501 shall timely assign a staff person to resolve the dispute.

1502 (j) Supervise research on, demonstration of, and training
 1503 on the performance, environmental impact, and public health
 1504 impact of onsite sewage treatment and disposal systems within
 1505 this state. Research fees collected under s. 381.0066(2)(k)
 1506 ~~381.0066(2)(l)~~ must be used to develop and fund hands-on
 1507 training centers designed to provide practical information about
 1508 onsite sewage treatment and disposal systems to septic tank
 1509 contractors, master septic tank contractors, contractors,
 1510 inspectors, engineers, and the public and must also be used to
 1511 fund research projects which focus on improvements of onsite
 1512 sewage treatment and disposal systems, including use of

ENROLLED

CS/CS/CS/HB 1263, Engrossed 3

2012 Legislature

1513 performance-based standards and reduction of environmental
 1514 impact. Research projects shall be initially approved by the
 1515 technical review and advisory panel and shall be applicable to
 1516 and reflect the soil conditions specific to Florida. Such
 1517 projects shall be awarded through competitive negotiation, using
 1518 the procedures provided in s. 287.055, to public or private
 1519 entities that have experience in onsite sewage treatment and
 1520 disposal systems in Florida and that are principally located in
 1521 Florida. Research projects shall not be awarded to firms or
 1522 entities that employ or are associated with persons who serve on
 1523 either the technical review and advisory panel or the research
 1524 review and advisory committee.

1525 (4) PERMITS; INSTALLATION; AND CONDITIONS.—A person may
 1526 not construct, repair, modify, abandon, or operate an onsite
 1527 sewage treatment and disposal system without first obtaining a
 1528 permit approved by the department. The department may issue
 1529 permits to carry out this section, but shall not make the
 1530 issuance of such permits contingent upon prior approval by the
 1531 Department of Environmental Protection, except that the issuance
 1532 of a permit for work seaward of the coastal construction control
 1533 line established under s. 161.053 shall be contingent upon
 1534 receipt of any required coastal construction control line permit
 1535 from the Department of Environmental Protection. A construction
 1536 permit is valid for 18 months from the issuance date and may be
 1537 extended by the department for one 90-day period under rules
 1538 adopted by the department. A repair permit is valid for 90 days
 1539 from the date of issuance. An operating permit must be obtained
 1540 prior to the use of any aerobic treatment unit or if the

ENROLLED

CS/CS/CS/HB 1263, Engrossed 3

2012 Legislature

1541 establishment generates commercial waste. Buildings or
1542 establishments that use an aerobic treatment unit or generate
1543 commercial waste shall be inspected by the department at least
1544 annually to assure compliance with the terms of the operating
1545 permit. The operating permit for a commercial wastewater system
1546 is valid for 1 year from the date of issuance and must be
1547 renewed annually. The operating permit for an aerobic treatment
1548 unit is valid for 2 years from the date of issuance and must be
1549 renewed every 2 years. If all information pertaining to the
1550 siting, location, and installation conditions or repair of an
1551 onsite sewage treatment and disposal system remains the same, a
1552 construction or repair permit for the onsite sewage treatment
1553 and disposal system may be transferred to another person, if the
1554 transferee files, within 60 days after the transfer of
1555 ownership, an amended application providing all corrected
1556 information and proof of ownership of the property. There is no
1557 fee associated with the processing of this supplemental
1558 information. A person may not contract to construct, modify,
1559 alter, repair, service, abandon, or maintain any portion of an
1560 onsite sewage treatment and disposal system without being
1561 registered under part III of chapter 489. A property owner who
1562 personally performs construction, maintenance, or repairs to a
1563 system serving his or her own owner-occupied single-family
1564 residence is exempt from registration requirements for
1565 performing such construction, maintenance, or repairs on that
1566 residence, but is subject to all permitting requirements. A
1567 municipality or political subdivision of the state may not issue
1568 a building or plumbing permit for any building that requires the

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CS/CS/CS/HB 1263, Engrossed 3

2012 Legislature

1569 use of an onsite sewage treatment and disposal system unless the
1570 owner or builder has received a construction permit for such
1571 system from the department. A building or structure may not be
1572 occupied and a municipality, political subdivision, or any state
1573 or federal agency may not authorize occupancy until the
1574 department approves the final installation of the onsite sewage
1575 treatment and disposal system. A municipality or political
1576 subdivision of the state may not approve any change in occupancy
1577 or tenancy of a building that uses an onsite sewage treatment
1578 and disposal system until the department has reviewed the use of
1579 the system with the proposed change, approved the change, and
1580 amended the operating permit.

1581 (h) 1. The department may grant variances in hardship
1582 cases which may be less restrictive than the provisions
1583 specified in this section. If a variance is granted and the
1584 onsite sewage treatment and disposal system construction permit
1585 has been issued, the variance may be transferred with the system
1586 construction permit, if the transferee files, within 60 days
1587 after the transfer of ownership, an amended construction permit
1588 application providing all corrected information and proof of
1589 ownership of the property and if the same variance would have
1590 been required for the new owner of the property as was
1591 originally granted to the original applicant for the variance.
1592 There is no fee associated with the processing of this
1593 supplemental information. A variance may not be granted under
1594 this section until the department is satisfied that:

1595 a. The hardship was not caused intentionally by the action
1596 of the applicant;

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CS/CS/CS/HB 1263, Engrossed 3

2012 Legislature

1597 b. No reasonable alternative, taking into consideration
 1598 factors such as cost, exists for the treatment of the sewage;
 1599 and

1600 c. The discharge from the onsite sewage treatment and
 1601 disposal system will not adversely affect the health of the
 1602 applicant or the public or significantly degrade the groundwater
 1603 or surface waters.

1604
 1605 Where soil conditions, water table elevation, and setback
 1606 provisions are determined by the department to be satisfactory,
 1607 special consideration must be given to those lots platted before
 1608 1972.

1609 2. The department shall appoint and staff a variance
 1610 review and advisory committee, which shall meet monthly to
 1611 recommend agency action on variance requests. The committee
 1612 shall make its recommendations on variance requests at the
 1613 meeting in which the application is scheduled for consideration,
 1614 except for an extraordinary change in circumstances, the receipt
 1615 of new information that raises new issues, or when the applicant
 1616 requests an extension. The committee shall consider the criteria
 1617 in subparagraph 1. in its recommended agency action on variance
 1618 requests and shall also strive to allow property owners the full
 1619 use of their land where possible. The committee consists of the
 1620 following:

1621 a. The State Surgeon General, ~~Division Director for~~
 1622 ~~Environmental Health of the department~~ or his or her designee.

1623 b. A representative from the county health departments.

1624 c. A representative from the home building industry

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CS/CS/CS/HB 1263, Engrossed 3

2012 Legislature

1625 recommended by the Florida Home Builders Association.

1626 d. A representative from the septic tank industry

1627 recommended by the Florida Onsite Wastewater Association.

1628 e. A representative from the Department of Environmental

1629 Protection.

1630 f. A representative from the real estate industry who is

1631 also a developer in this state who develops lots using onsite

1632 sewage treatment and disposal systems, recommended by the

1633 Florida Association of Realtors.

1634 g. A representative from the engineering profession

1635 recommended by the Florida Engineering Society.

1636

1637 Members shall be appointed for a term of 3 years, with such

1638 appointments being staggered so that the terms of no more than

1639 two members expire in any one year. Members shall serve without

1640 remuneration, but if requested, shall be reimbursed for per diem

1641 and travel expenses as provided in s. 112.061.

1642 (n) Evaluations for determining the seasonal high-water

1643 table elevations or the suitability of soils for the use of a

1644 new onsite sewage treatment and disposal system shall be

1645 performed by department personnel, professional engineers

1646 registered in the state, or such other persons with expertise,

1647 as defined by rule, in making such evaluations. Evaluations for

1648 determining mean annual flood lines shall be performed by those

1649 persons identified in paragraph (2) (j) ~~(2) (i)~~. The department

1650 shall accept evaluations submitted by professional engineers and

1651 such other persons as meet the expertise established by this

1652 section or by rule unless the department has a reasonable

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CS/CS/CS/HB 1263, Engrossed 3

2012 Legislature

1653 scientific basis for questioning the accuracy or completeness of
 1654 the evaluation.

1655 (o) The department shall appoint a research review and
 1656 advisory committee, which shall meet at least semiannually. The
 1657 committee shall advise the department on directions for new
 1658 research, review and rank proposals for research contracts, and
 1659 review draft research reports and make comments. The committee
 1660 is comprised of:

1661 1. A representative of the State Surgeon General, or his
 1662 or her designee ~~Division of Environmental Health of the~~
 1663 ~~Department of Health.~~

1664 2. A representative from the septic tank industry.

1665 3. A representative from the home building industry.

1666 4. A representative from an environmental interest group.

1667 5. A representative from the State University System, from
 1668 a department knowledgeable about onsite sewage treatment and
 1669 disposal systems.

1670 6. A professional engineer registered in this state who
 1671 has work experience in onsite sewage treatment and disposal
 1672 systems.

1673 7. A representative from local government who is
 1674 knowledgeable about domestic wastewater treatment.

1675 8. A representative from the real estate profession.

1676 9. A representative from the restaurant industry.

1677 10. A consumer.

1678
 1679 Members shall be appointed for a term of 3 years, with the
 1680 appointments being staggered so that the terms of no more than

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CS/CS/CS/HB 1263, Engrossed 3

2012 Legislature

1681 four members expire in any one year. Members shall serve without
1682 remuneration, but are entitled to reimbursement for per diem and
1683 travel expenses as provided in s. 112.061.

1684 (w) Any permit issued and approved by the department for
1685 the installation, modification, or repair of an onsite sewage
1686 treatment and disposal system shall transfer with the title to
1687 the property in a real estate transaction. A title may not be
1688 encumbered at the time of transfer by new permit requirements by
1689 a governmental entity for an onsite sewage treatment and
1690 disposal system which differ from the permitting requirements in
1691 effect at the time the system was permitted, modified, or
1692 repaired. An inspection of a system may not be mandated by a
1693 governmental entity at the point of sale in a real estate
1694 transaction. This paragraph does not affect a septic tank phase-
1695 out deferral program implemented by a consolidated government as
1696 defined in s. 9, Art. VIII of the State Constitution.

1697 (x) A governmental entity, including a municipality,
1698 county, or statutorily created commission, may not require an
1699 engineer-designed performance-based treatment system, excluding
1700 a passive engineer-designed performance-based treatment system,
1701 before the completion of the Florida Onsite Sewage Nitrogen
1702 Reduction Strategies Project. This paragraph does not apply to a
1703 governmental entity, including a municipality, county, or
1704 statutorily created commission, which adopted a local law,
1705 ordinance, or regulation on or before January 31, 2012.
1706 Notwithstanding this paragraph, an engineer-designed
1707 performance-based treatment system may be used to meet the
1708 requirements of the variance review and advisory committee

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CS/CS/CS/HB 1263, Engrossed 3

2012 Legislature

1709 recommendations.

1710 (y)1. An onsite sewage treatment and disposal system is
1711 not considered abandoned if the system is disconnected from a
1712 structure that was made unusable or destroyed following a
1713 disaster and if the system was properly functioning at the time
1714 of disconnection and not adversely affected by the disaster. The
1715 onsite sewage treatment and disposal system may be reconnected
1716 to a rebuilt structure if:

1717 a. The reconnection of the system is to the same type of
1718 structure which contains the same number of bedrooms or fewer,
1719 if the square footage of the structure is less than or equal to
1720 110 percent of the original square footage of the structure that
1721 existed before the disaster;

1722 b. The system is not a sanitary nuisance; and

1723 c. The system has not been altered without prior
1724 authorization.

1725 2. An onsite sewage treatment and disposal system that
1726 serves a property that is foreclosed upon is not considered
1727 abandoned.

1728 (z) If an onsite sewage treatment and disposal system
1729 permittee receives, relies upon, and undertakes construction of
1730 a system based upon a validly issued construction permit under
1731 rules applicable at the time of construction but a change to a
1732 rule occurs within 5 years after the approval of the system for
1733 construction but before the final approval of the system, the
1734 rules applicable and in effect at the time of construction
1735 approval apply at the time of final approval if fundamental site
1736 conditions have not changed between the time of construction

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CS/CS/CS/HB 1263, Engrossed 3

2012 Legislature

1737 approval and final approval.

1738 (aa) A modification, replacement, or upgrade of an onsite
 1739 sewage treatment and disposal system is not required for a
 1740 remodeling addition to a single-family home if a bedroom is not
 1741 added.

1742 ~~(5) EVALUATION AND ASSESSMENT.~~

1743 ~~(a) Beginning July 1, 2011, the department shall~~
 1744 ~~administer an onsite sewage treatment and disposal system~~
 1745 ~~evaluation program for the purpose of assessing the fundamental~~
 1746 ~~operational condition of systems and identifying any failures~~
 1747 ~~within the systems. The department shall adopt rules~~
 1748 ~~implementing the program standards, procedures, and~~
 1749 ~~requirements, including, but not limited to, a schedule for a 5-~~
 1750 ~~year evaluation cycle, requirements for the pump-out of a system~~
 1751 ~~or repair of a failing system, enforcement procedures for~~
 1752 ~~failure of a system owner to obtain an evaluation of the system,~~
 1753 ~~and failure of a contractor to timely submit evaluation results~~
 1754 ~~to the department and the system owner. The department shall~~
 1755 ~~ensure statewide implementation of the evaluation and assessment~~
 1756 ~~program by January 1, 2016.~~

1757 ~~(b) Owners of an onsite sewage treatment and disposal~~
 1758 ~~system, excluding a system that is required to obtain an~~
 1759 ~~operating permit, shall have the system evaluated at least once~~
 1760 ~~every 5 years to assess the fundamental operational condition of~~
 1761 ~~the system, and identify any failure within the system.~~

1762 ~~(c) All evaluation procedures must be documented and~~
 1763 ~~nothing in this subsection limits the amount of detail an~~
 1764 ~~evaluator may provide at his or her professional discretion. The~~

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CS/CS/CS/HB 1263, Engrossed 3

2012 Legislature

1765 ~~evaluation must include a tank and drainfield evaluation, a~~
1766 ~~written assessment of the condition of the system, and, if~~
1767 ~~necessary, a disclosure statement pursuant to the department's~~
1768 ~~procedure.~~

1769 ~~(d)1. Systems being evaluated that were installed prior to~~
1770 ~~January 1, 1983, shall meet a minimum 6-inch separation from the~~
1771 ~~bottom of the drainfield to the wettest season water table~~
1772 ~~elevation as defined by department rule. All drainfield repairs,~~
1773 ~~replacements or modifications to systems installed prior to~~
1774 ~~January 1, 1983, shall meet a minimum 12-inch separation from~~
1775 ~~the bottom of the drainfield to the wettest season water table~~
1776 ~~elevation as defined by department rule.~~

1777 ~~2. Systems being evaluated that were installed on or after~~
1778 ~~January 1, 1983, shall meet a minimum 12-inch separation from~~
1779 ~~the bottom of the drainfield to the wettest season water table~~
1780 ~~elevation as defined by department rule. All drainfield repairs,~~
1781 ~~replacements or modification to systems developed on or after~~
1782 ~~January 1, 1983, shall meet a minimum 24-inch separation from~~
1783 ~~the bottom of the drainfield to the wettest season water table~~
1784 ~~elevation.~~

1785 ~~(e) If documentation of a tank pump-out or a permitted new~~
1786 ~~installation, repair, or modification of the system within the~~
1787 ~~previous 5 years is provided, and states the capacity of the~~
1788 ~~tank and indicates that the condition of the tank is not a~~
1789 ~~sanitary or public health nuisance pursuant to department rule,~~
1790 ~~a pump-out of the system is not required.~~

1791 ~~(f) Owners are responsible for paying the cost of any~~
1792 ~~required pump-out, repair, or replacement pursuant to department~~

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CS/CS/CS/HB 1263, Engrossed 3

2012 Legislature

1793 ~~rule, and may not request partial evaluation or the omission of~~
 1794 ~~portions of the evaluation.~~

1795 ~~(g) Each evaluation or pump-out required under this~~
 1796 ~~subsection must be performed by a septic tank contractor or~~
 1797 ~~master septic tank contractor registered under part III of~~
 1798 ~~chapter 489, a professional engineer with wastewater treatment~~
 1799 ~~system experience licensed pursuant to chapter 471, or an~~
 1800 ~~environmental health professional certified under chapter 381 in~~
 1801 ~~the area of onsite sewage treatment and disposal system~~
 1802 ~~evaluation.~~

1803 ~~(h) The evaluation report fee collected pursuant to s.~~
 1804 ~~381.0066(2)(b) shall be remitted to the department by the~~
 1805 ~~evaluator at the time the report is submitted.~~

1806 ~~(i) Prior to any evaluation deadline, the department must~~
 1807 ~~provide a minimum of 60 days' notice to owners that their~~
 1808 ~~systems must be evaluated by that deadline. The department may~~
 1809 ~~include a copy of any homeowner educational materials developed~~
 1810 ~~pursuant to this section which provides information on the~~
 1811 ~~proper maintenance of onsite sewage treatment and disposal~~
 1812 ~~systems.~~

1813 (5) ~~(6)~~ ENFORCEMENT; RIGHT OF ENTRY; CITATIONS.-

1814 (a) Department personnel who have reason to believe
 1815 noncompliance exists, may at any reasonable time, enter the
 1816 premises permitted under ss. 381.0065-381.0066, or the business
 1817 premises of any septic tank contractor or master septic tank
 1818 contractor registered under part III of chapter 489, or any
 1819 premises that the department has reason to believe is being
 1820 operated or maintained not in compliance, to determine

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CS/CS/CS/HB 1263, Engrossed 3

2012 Legislature

1821 compliance with the provisions of this section, part I of
 1822 chapter 386, or part III of chapter 489 or rules or standards
 1823 adopted under ss. 381.0065-381.0067, part I of chapter 386, or
 1824 part III of chapter 489. As used in this paragraph, the term
 1825 "premises" does not include a residence or private building. To
 1826 gain entry to a residence or private building, the department
 1827 must obtain permission from the owner or occupant or secure an
 1828 inspection warrant from a court of competent jurisdiction.

1829 (b)1. The department may issue citations that may contain
 1830 an order of correction or an order to pay a fine, or both, for
 1831 violations of ss. 381.0065-381.0067, part I of chapter 386, or
 1832 part III of chapter 489 or the rules adopted by the department,
 1833 when a violation of these sections or rules is enforceable by an
 1834 administrative or civil remedy, or when a violation of these
 1835 sections or rules is a misdemeanor of the second degree. A
 1836 citation issued under ss. 381.0065-381.0067, part I of chapter
 1837 386, or part III of chapter 489 constitutes a notice of proposed
 1838 agency action.

1839 2. A citation must be in writing and must describe the
 1840 particular nature of the violation, including specific reference
 1841 to the provisions of law or rule allegedly violated.

1842 3. The fines imposed by a citation issued by the
 1843 department may not exceed \$500 for each violation. Each day the
 1844 violation exists constitutes a separate violation for which a
 1845 citation may be issued.

1846 4. The department shall inform the recipient, by written
 1847 notice pursuant to ss. 120.569 and 120.57, of the right to an
 1848 administrative hearing to contest the citation within 21 days

ENROLLED

CS/CS/CS/HB 1263, Engrossed 3

2012 Legislature

1849 after the date the citation is received. The citation must
1850 contain a conspicuous statement that if the recipient fails to
1851 pay the fine within the time allowed, or fails to appear to
1852 contest the citation after having requested a hearing, the
1853 recipient has waived the recipient's right to contest the
1854 citation and must pay an amount up to the maximum fine.

1855 5. The department may reduce or waive the fine imposed by
1856 the citation. In determining whether to reduce or waive the
1857 fine, the department must consider the gravity of the violation,
1858 the person's attempts at correcting the violation, and the
1859 person's history of previous violations including violations for
1860 which enforcement actions were taken under ss. 381.0065-
1861 381.0067, part I of chapter 386, part III of chapter 489, or
1862 other provisions of law or rule.

1863 6. Any person who willfully refuses to sign and accept a
1864 citation issued by the department commits a misdemeanor of the
1865 second degree, punishable as provided in s. 775.082 or s.
1866 775.083.

1867 7. The department, pursuant to ss. 381.0065-381.0067, part
1868 I of chapter 386, or part III of chapter 489, shall deposit any
1869 fines it collects in the county health department trust fund for
1870 use in providing services specified in those sections.

1871 8. This section provides an alternative means of enforcing
1872 ss. 381.0065-381.0067, part I of chapter 386, and part III of
1873 chapter 489. This section does not prohibit the department from
1874 enforcing ss. 381.0065-381.0067, part I of chapter 386, or part
1875 III of chapter 489, or its rules, by any other means. However,
1876 the department must elect to use only a single method of

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CS/CS/CS/HB 1263, Engrossed 3

2012 Legislature

1877 enforcement for each violation.

1878 ~~(6) (7)~~ LAND APPLICATION OF SEPTAGE PROHIBITED.—Effective
 1879 January 1, 2016, the land application of septage from onsite
 1880 sewage treatment and disposal systems is prohibited. ~~By February~~
 1881 ~~1, 2011, the department, in consultation with the Department of~~
 1882 ~~Environmental Protection, shall provide a report to the~~
 1883 ~~Governor, the President of the Senate, and the Speaker of the~~
 1884 ~~House of Representatives, recommending alternative methods to~~
 1885 ~~establish enhanced treatment levels for the land application of~~
 1886 ~~septage from onsite sewage and disposal systems. The report~~
 1887 ~~shall include, but is not limited to, a schedule for the~~
 1888 ~~reduction in land application, appropriate treatment levels,~~
 1889 ~~alternative methods for treatment and disposal, enhanced~~
 1890 ~~application site permitting requirements including any~~
 1891 ~~requirements for nutrient management plans, and the range of~~
 1892 ~~costs to local governments, affected businesses, and individuals~~
 1893 ~~for alternative treatment and disposal methods. The report shall~~
 1894 ~~also include any recommendations for legislation or rule~~
 1895 ~~authority needed to reduce land application of septage.~~

1896 Section 33. Section 381.00651, Florida Statutes, is
 1897 created to read:

1898 381.00651 Periodic evaluation and assessment of onsite
 1899 sewage treatment and disposal systems.—

1900 (1) For the purposes of this section, the term "first
 1901 magnitude spring" means a spring that has a median water
 1902 discharge of greater than or equal to 100 cubic feet per second
 1903 for the period of record, as determined by the Department of
 1904 Environmental Protection.

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CS/CS/CS/HB 1263, Engrossed 3

2012 Legislature

1905 (2) A county or municipality that contains a first
 1906 magnitude spring shall, by no later than January 1, 2013,
 1907 develop and adopt by local ordinance an onsite sewage treatment
 1908 and disposal system evaluation and assessment program that meets
 1909 the requirements of this section. The ordinance may apply within
 1910 all or part of its geographic area. Those counties or
 1911 municipalities containing a first magnitude spring which have
 1912 already adopted an onsite sewage treatment and disposal system
 1913 evaluation and assessment program and which meet the
 1914 grandfathering requirements contained in this section, or have
 1915 chosen to opt out of this section in the manner provided herein,
 1916 are exempt from the requirement to adopt an ordinance
 1917 implementing an evaluation and assessment program. The governing
 1918 body of a local government that chooses to opt out of this
 1919 section, by a 60 percent vote of the voting members of the
 1920 governing board, shall do so by adopting a resolution that
 1921 indicates an intent on the part of such local government not to
 1922 adopt an onsite sewage treatment and disposal system evaluation
 1923 and assessment program. Such resolution shall be addressed and
 1924 transmitted to the Secretary of State. Absent an interlocal
 1925 agreement or county charter provision to the contrary, a
 1926 municipality may elect to opt out of the requirements of this
 1927 section, by a 60 percent vote of the voting members of the
 1928 governing board, notwithstanding a contrary decision of the
 1929 governing body of a county. Any local government that has
 1930 properly opted out of this section but subsequently chooses to
 1931 adopt an evaluation and assessment program may do so only
 1932 pursuant to the requirements of this section and may not deviate

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CS/CS/CS/HB 1263, Engrossed 3

2012 Legislature

1933 from such requirements.

1934 (3) Any county or municipality that does not contain a
 1935 first magnitude spring may at any time develop and adopt by
 1936 local ordinance an onsite sewage treatment and disposal system
 1937 evaluation and assessment program, provided such program meets
 1938 and does not deviate from the requirements of this section.

1939 (4) Notwithstanding any other provision in this section, a
 1940 county or municipality that has adopted a program before July 1,
 1941 2011, may continue to enforce its current program without having
 1942 to meet the requirements of this section, provided such program
 1943 does not require an evaluation at the point of sale in a real
 1944 estate transaction.

1945 (5) Any county or municipality may repeal an ordinance
 1946 adopted pursuant to this section only if the county or
 1947 municipality notifies the Secretary of State by letter of the
 1948 repeal. No county or municipality may adopt an onsite sewage
 1949 treatment and disposal system evaluation and assessment program
 1950 except pursuant to this section.

1951 (6) The requirements for an onsite sewage treatment and
 1952 disposal system evaluation and assessment program are as
 1953 follows:

1954 (a) Evaluations.—An evaluation of each onsite sewage
 1955 treatment and disposal system within all or part of the county's
 1956 or municipality's jurisdiction must take place once every 5
 1957 years to assess the fundamental operational condition of the
 1958 system and to identify system failures. The ordinance may not
 1959 mandate an evaluation at the point of sale in a real estate
 1960 transaction and may not require a soil examination. The location

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CS/CS/CS/HB 1263, Engrossed 3

2012 Legislature

1961 of the system shall be identified. A tank and drainfield
 1962 evaluation and a written assessment of the overall condition of
 1963 the system pursuant to the assessment procedure prescribed in
 1964 subsection (7) are required.

1965 (b) Qualified contractors.—Each evaluation required under
 1966 this subsection must be performed by a qualified contractor, who
 1967 may be a septic tank contractor or master septic tank contractor
 1968 registered under part III of chapter 489, a professional
 1969 engineer having wastewater treatment system experience and
 1970 licensed under chapter 471, or an environmental health
 1971 professional certified under this chapter in the area of onsite
 1972 sewage treatment and disposal system evaluation. Evaluations and
 1973 pump-outs may also be performed by an authorized employee
 1974 working under the supervision of an individual listed in this
 1975 paragraph; however, all evaluation forms must be signed by a
 1976 qualified contractor in writing or by electronic signature.

1977 (c) Repair of systems.—The local ordinance may not require
 1978 a repair, modification, or replacement of a system as a result
 1979 of an evaluation unless the evaluation identifies a system
 1980 failure. For purposes of this subsection, the term "system
 1981 failure" means a condition existing within an onsite sewage
 1982 treatment and disposal system which results in the discharge of
 1983 untreated or partially treated wastewater onto the ground
 1984 surface or into surface water or that results in the failure of
 1985 building plumbing to discharge properly and presents a sanitary
 1986 nuisance. A system is not in failure if the system does not have
 1987 a minimum separation distance between the drainfield and the
 1988 wettest season water table or if an obstruction in a sanitary

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CS/CS/CS/HB 1263, Engrossed 3

2012 Legislature

1989 line or an effluent screen or filter prevents effluent from
 1990 flowing into a drainfield. If a system failure is identified and
 1991 several allowable remedial measures are available to resolve the
 1992 failure, the system owner may choose the least costly allowable
 1993 remedial measure to fix the system. There may be instances in
 1994 which a pump-out is sufficient to resolve a system failure.
 1995 Allowable remedial measures to resolve a system failure are
 1996 limited to what is necessary to resolve the failure and must
 1997 meet, to the maximum extent practicable, the requirements of the
 1998 repair code in effect when the repair is made, subject to the
 1999 exceptions specified in s. 381.0065(4)(g). An engineer-designed
 2000 performance-based treatment system to reduce nutrients may not
 2001 be required as an alternative remediation measure to resolve the
 2002 failure of a conventional system.

2003 (d) Exemptions.—

2004 1. The local ordinance shall exempt from the evaluation
 2005 requirements any system that is required to obtain an operating
 2006 permit pursuant to state law or that is inspected by the
 2007 department pursuant to the annual permit inspection requirements
 2008 of chapter 513.

2009 2. The local ordinance may provide for an exemption or an
 2010 extension of time to obtain an evaluation and assessment if
 2011 connection to a sewer system is available, connection to the
 2012 sewer system is imminent, and written arrangements for payment
 2013 of any utility assessments or connection fees have been made by
 2014 the system owner.

2015 3. An onsite sewage treatment and disposal system serving
 2016 a residential dwelling unit on a lot with a ratio of one bedroom

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CS/CS/CS/HB 1263, Engrossed 3

2012 Legislature

2017 per acre or greater is exempt from the requirements of this
 2018 section and may not be included in any onsite sewage treatment
 2019 and disposal system inspection program.

2020 (7) The following procedures shall be used for conducting
 2021 evaluations:

2022 (a) Tank evaluation.—The tank evaluation shall assess the
 2023 apparent structural condition and watertightness of the tank and
 2024 shall estimate the size of the tank. The evaluation must include
 2025 a pump-out. However, an ordinance may not require a pump-out if
 2026 there is documentation indicating that a tank pump-out or a
 2027 permitted new installation, repair, or modification of the
 2028 system has occurred within the previous 5 years, identifying the
 2029 capacity of the tank, and indicating that the condition of the
 2030 tank is structurally sound and watertight. Visual inspection of
 2031 the tank must be made when the tank is empty to detect cracks,
 2032 leaks, or other defects. Baffles or tees must be checked to
 2033 ensure that they are intact and secure. The evaluation shall
 2034 note the presence and condition of outlet devices, effluent
 2035 filters, and compartment walls; any structural defect in the
 2036 tank; the condition and fit of the tank lid, including manholes;
 2037 whether surface water can infiltrate the tank; and whether the
 2038 tank was pumped out. If the tank, in the opinion of the
 2039 qualified contractor, is in danger of being damaged by leaving
 2040 the tank empty after inspection, the tank shall be refilled
 2041 before concluding the inspection. Broken or damaged lids or
 2042 manholes shall be replaced without obtaining a repair permit.

2043 (b) Drainfield evaluation.—The drainfield evaluation must
 2044 include a determination of the approximate size and location of

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CS/CS/CS/HB 1263, Engrossed 3

2012 Legislature

2045 the drainfield. The evaluation shall state whether there is any
 2046 sewage or effluent visible on the ground or discharging to a
 2047 ditch or other water body and the location of any downspout or
 2048 other source of water near or in the vicinity of the drainfield.

2049 (c) Special circumstances.—If the system contains pumps,
 2050 siphons, or alarms, the following information may be provided at
 2051 the request of the homeowner:

2052 1. An assessment of dosing tank integrity, including the
 2053 approximate volume and the type of material used in the tank's
 2054 construction;

2055 2. Whether the pump is elevated off the bottom of the
 2056 chamber and its operational status;

2057 3. Whether the system has a check valve and purge hole;
 2058 and

2059 4. Whether the system has a high-water alarm, and if so
 2060 whether the alarm is audio or visual or both, the location and
 2061 operational condition of the alarm, and whether the electrical
 2062 connections to the alarm appear satisfactory.

2063
 2064 If the homeowner does not request this information, the
 2065 qualified contractor and its employee are not liable for any
 2066 damages directly relating from a failure of the system's pumps,
 2067 siphons, or alarms. This exclusion of liability must be stated
 2068 on the front cover of the report required under paragraph (d).

2069 (d) Assessment procedure.—All evaluation procedures used
 2070 by a qualified contractor shall be documented in the
 2071 environmental health database of the Department of Health. The
 2072 qualified contractor shall provide a copy of a written, signed

ENROLLED

CS/CS/CS/HB 1263, Engrossed 3

2012 Legislature

2073 evaluation report to the property owner upon completion of the
 2074 evaluation and to the county health department within 30 days
 2075 after the evaluation. The report shall contain the name and
 2076 license number of the company providing the report. A copy of
 2077 the evaluation report shall be retained by the local county
 2078 health department for a minimum of 5 years and until a
 2079 subsequent inspection report is filed. The front cover of the
 2080 report must identify any system failure and include a clear and
 2081 conspicuous notice to the owner that the owner has a right to
 2082 have any remediation of the failure performed by a qualified
 2083 contractor other than the contractor performing the evaluation.
 2084 The report must further identify any crack, leak, improper fit,
 2085 or other defect in the tank, manhole, or lid, and any other
 2086 damaged or missing component; any sewage or effluent visible on
 2087 the ground or discharging to a ditch or other surface water
 2088 body; any downspout, stormwater, or other source of water
 2089 directed onto or toward the system; and any other maintenance
 2090 need or condition of the system at the time of the evaluation
 2091 which, in the opinion of the qualified contractor, would
 2092 possibly interfere with or restrict any future repair or
 2093 modification to the existing system. The report shall conclude
 2094 with an overall assessment of the fundamental operational
 2095 condition of the system.

2096 (8) The county health department shall administer any
 2097 evaluation program on behalf of a county, or a municipality
 2098 within the county, that has adopted an evaluation program
 2099 pursuant to this section. In order to administer the evaluation
 2100 program, the county or municipality, in consultation with the

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CS/CS/CS/HB 1263, Engrossed 3

2012 Legislature

2101 county health department, may develop a reasonable fee schedule
 2102 to be used solely to pay for the costs of administering the
 2103 evaluation program. Such a fee schedule shall be identified in
 2104 the ordinance that adopts the evaluation program. When arriving
 2105 at a reasonable fee schedule, the estimated annual revenues to
 2106 be derived from fees may not exceed reasonable estimated annual
 2107 costs of the program. Fees shall be assessed to the system owner
 2108 during an inspection and separately identified on the invoice of
 2109 the qualified contractor. Fees shall be remitted by the
 2110 qualified contractor to the county health department. The county
 2111 health department's administrative responsibilities include the
 2112 following:

2113 (a) Providing a notice to the system owner at least 60
 2114 days before the system is due for an evaluation. The notice may
 2115 include information on the proper maintenance of onsite sewage
 2116 treatment and disposal systems.

2117 (b) In consultation with the Department of Health,
 2118 providing uniform disciplinary procedures and penalties for
 2119 qualified contractors who do not comply with the requirements of
 2120 the adopted ordinance, including, but not limited to, failure to
 2121 provide the evaluation report as required in this subsection to
 2122 the system owner and the county health department. Only the
 2123 county health department may assess penalties against system
 2124 owners for failure to comply with the adopted ordinance,
 2125 consistent with existing requirements of law.

2126 (9) (a) A county or municipality that adopts an onsite
 2127 sewage treatment and disposal system evaluation and assessment
 2128 program pursuant to this section shall notify the Secretary of

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CS/CS/CS/HB 1263, Engrossed 3

2012 Legislature

2129 Environmental Protection, the Department of Health, and the
 2130 applicable county health department upon the adoption of its
 2131 ordinance establishing the program.

2132 (b) Upon receipt of the notice under paragraph (a), the
 2133 Department of Environmental Protection shall, within existing
 2134 resources, notify the county or municipality of the potential
 2135 use of, and access to, program funds under the Clean Water State
 2136 Revolving Fund or s. 319 of the Clean Water Act, provide
 2137 guidance in the application process to receive such moneys, and
 2138 provide advice and technical assistance to the county or
 2139 municipality on how to establish a low-interest revolving loan
 2140 program or how to model a revolving loan program after the low-
 2141 interest loan program of the Clean Water State Revolving Fund.
 2142 This paragraph does not obligate the Department of Environmental
 2143 Protection to provide any county or municipality with money to
 2144 fund such programs.

2145 (c) The Department of Health may not adopt any rule that
 2146 alters the provisions of this section.

2147 (d) The Department of Health must allow county health
 2148 departments and qualified contractors access to the
 2149 environmental health database to track relevant information and
 2150 assimilate data from assessment and evaluation reports of the
 2151 overall condition of onsite sewage treatment and disposal
 2152 systems. The environmental health database must be used by
 2153 contractors to report each service and evaluation event and by a
 2154 county health department to notify owners of onsite sewage
 2155 treatment and disposal systems when evaluations are due. Data
 2156 and information must be recorded and updated as service and

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CS/CS/CS/HB 1263, Engrossed 3

2012 Legislature

2157 evaluations are conducted and reported.

2158 (10) This section does not:

2159 (a) Limit county and municipal home rule authority to act
 2160 outside the scope of the evaluation and assessment program set
 2161 forth in this section;

2162 (b) Repeal or affect any other law relating to the subject
 2163 matter of onsite sewage treatment and disposal systems; or

2164 (c) Prohibit a county or municipality from:

2165 1. Enforcing existing ordinances or adopting new
 2166 ordinances relating to onsite sewage treatment facilities to
 2167 address public health and safety if such ordinances do not
 2168 repeal, suspend, or alter the requirements or limitations of
 2169 this section.

2170 2. Adopting local environmental and pollution abatement
 2171 ordinances for water quality improvement as provided for by law
 2172 if such ordinances do not repeal, suspend, or alter the
 2173 requirements or limitations of this section.

2174 3. Exercising its independent and existing authority to
 2175 meet the requirements of s. 381.0065.

2176 Section 34. Section 381.00656, Florida Statutes, is
 2177 repealed.

2178 Section 35. Subsection (2) of section 381.0066, Florida
 2179 Statutes, is amended to read:

2180 381.0066 Onsite sewage treatment and disposal systems;
 2181 fees.—

2182 (2) The minimum fees in the following fee schedule apply
 2183 until changed by rule by the department within the following
 2184 limits:

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CS/CS/CS/HB 1263, Engrossed 3

2012 Legislature

2185 (a) Application review, permit issuance, or system
 2186 inspection, including repair of a subsurface, mound, filled, or
 2187 other alternative system or permitting of an abandoned system: a
 2188 fee of not less than \$25, or more than \$125.

2189 ~~(b) A 5-year evaluation report submitted pursuant to s.~~
 2190 ~~381.0065(5): a fee not less than \$15, or more than \$30. At least~~
 2191 ~~\$1 and no more than \$5 collected pursuant to this paragraph~~
 2192 ~~shall be used to fund a grant program established under s.~~
 2193 ~~381.00656.~~

2194 (b)~~(e)~~ Site evaluation, site reevaluation, evaluation of a
 2195 system previously in use, or a per annum septage disposal site
 2196 evaluation: a fee of not less than \$40, or more than \$115.

2197 (c)~~(d)~~ Biennial Operating permit for aerobic treatment
 2198 units or performance-based treatment systems: a fee of not more
 2199 than \$100.

2200 (d)~~(e)~~ Annual operating permit for systems located in
 2201 areas zoned for industrial manufacturing or equivalent uses or
 2202 where the system is expected to receive wastewater which is not
 2203 domestic in nature: a fee of not less than \$150, or more than
 2204 \$300.

2205 (e)~~(f)~~ Innovative technology: a fee not to exceed \$25,000.

2206 (f)~~(g)~~ Septage disposal service, septage stabilization
 2207 facility, portable or temporary toilet service, tank
 2208 manufacturer inspection: a fee of not less than \$25, or more
 2209 than \$200, per year.

2210 (g)~~(h)~~ Application for variance: a fee of not less than
 2211 \$150, or more than \$300.

2212 (h)~~(i)~~ Annual operating permit for waterless,

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CS/CS/CS/HB 1263, Engrossed 3

2012 Legislature

2213 incinerating, or organic waste composting toilets: a fee of not
 2214 less than \$15 ~~\$50~~, or more than \$30 ~~\$150~~.

2215 (i)~~(j)~~ Aerobic treatment unit or performance-based
 2216 treatment system maintenance entity permit: a fee of not less
 2217 than \$25, or more than \$150, per year.

2218 (j)~~(k)~~ Reinspection fee per visit for site inspection
 2219 after system construction approval or for noncompliant system
 2220 installation per site visit: a fee of not less than \$25, or more
 2221 than \$100.

2222 (k)~~(l)~~ Research: An additional \$5 fee shall be added to
 2223 each new system construction permit issued to be used to fund
 2224 onsite sewage treatment and disposal system research,
 2225 demonstration, and training projects. Five dollars from any
 2226 repair permit fee collected under this section shall be used for
 2227 funding the hands-on training centers described in s.
 2228 381.0065(3)(j).

2229 (l)~~(m)~~ Annual operating permit, including annual
 2230 inspection and any required sampling and laboratory analysis of
 2231 effluent, for an engineer-designed performance-based system: a
 2232 fee of not less than \$150, or more than \$300.

2233
 2234 ~~On or before January 1, 2011, the Surgeon General, after~~
 2235 ~~consultation with the Revenue Estimating Conference, shall~~
 2236 ~~determine a revenue neutral fee schedule for services provided~~
 2237 ~~pursuant to s. 381.0065(5) within the parameters set in~~
 2238 ~~paragraph (b). Such determination is not subject to the~~
 2239 ~~provisions of chapter 120.~~ The funds collected pursuant to this
 2240 subsection must be deposited in a trust fund administered by the

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CS/CS/CS/HB 1263, Engrossed 3

2012 Legislature

2241 department, to be used for the purposes stated in this section
 2242 and ss. 381.0065 and 381.00655.

2243 Section 36. Section 381.0068, Florida Statutes, is amended
 2244 to read:

2245 381.0068 Technical review and advisory panel.—

2246 (1) The Department of Health shall, ~~by July 1, 1996,~~
 2247 establish and staff a technical review and advisory panel to
 2248 assist the department with rule adoption.

2249 (2) The primary purpose of the panel is to assist the
 2250 department in rulemaking and decisionmaking by drawing on the
 2251 expertise of representatives from several groups that are
 2252 affected by onsite sewage treatment and disposal systems. The
 2253 panel may also review and comment on any legislation or any
 2254 existing or proposed state policy or issue related to onsite
 2255 sewage treatment and disposal systems. ~~If requested by the~~
 2256 ~~panel, the chair will advise any affected person or member of~~
 2257 ~~the Legislature of the panel's position on the legislation or~~
 2258 ~~any existing or proposed state policy or issue.~~ The chair may
 2259 also take such other action as is appropriate to allow the panel
 2260 to function. At a minimum, the panel shall consist of a soil
 2261 scientist; a professional engineer registered in this state who
 2262 is recommended by the Florida Engineering Society and who has
 2263 work experience in onsite sewage treatment and disposal systems;
 2264 two representatives from the home-building industry recommended
 2265 by the Florida Home Builders Association, including one who is a
 2266 developer in this state who develops lots using onsite sewage
 2267 treatment and disposal systems; a representative from the county
 2268 health departments who has experience permitting and inspecting

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CS/CS/CS/HB 1263, Engrossed 3

2012 Legislature

2269 the installation of onsite sewage treatment and disposal systems
2270 in this state; a representative from the real estate industry
2271 who is recommended by the Florida Association of Realtors; a
2272 consumer representative with a science background; two
2273 representatives of the septic tank industry recommended by the
2274 Florida Onsite Wastewater Association, including one who is a
2275 manufacturer of onsite sewage treatment and disposal systems; a
2276 representative from local government who is knowledgeable about
2277 domestic wastewater treatment and who is recommended by the
2278 Florida Association of Counties and the Florida League of
2279 Cities; and a representative from the environmental health
2280 profession who is recommended by the Florida Environmental
2281 Health Association and who is not employed by a county health
2282 department. Members are to be appointed for a term of 2 years.
2283 The panel may also, as needed, be expanded to include ad hoc,
2284 nonvoting representatives who have topic-specific expertise. All
2285 rules proposed by the department which relate to onsite sewage
2286 treatment and disposal systems must be presented to the panel
2287 for review and comment prior to adoption. The panel's position
2288 on proposed rules shall be made a part of the rulemaking record
2289 that is maintained by the agency. The panel shall select a
2290 chair, who shall serve for a period of 1 year and who shall
2291 direct, coordinate, and execute the duties of the panel. The
2292 panel shall also solicit input from the department's variance
2293 review and advisory committee before submitting any comments to
2294 the department concerning proposed rules. The panel's comments
2295 must include any dissenting points of view concerning proposed
2296 rules. The panel shall hold meetings as it determines necessary

ENROLLED

CS/CS/CS/HB 1263, Engrossed 3

2012 Legislature

2297 to conduct its business, except that the chair, a quorum of the
 2298 voting members of the panel, or the department may call
 2299 meetings. The department shall keep minutes of all meetings of
 2300 the panel. Panel members shall serve without remuneration, but,
 2301 if requested, shall be reimbursed for per diem and travel
 2302 expenses as provided in s. 112.061.

2303 Section 37. Subsection (1) of section 381.0072, Florida
 2304 Statutes, is amended to read:

2305 381.0072 Food service protection.—It shall be the duty of
 2306 the Department of Health to adopt and enforce sanitation rules
 2307 consistent with law to ensure the protection of the public from
 2308 food-borne illness. These rules shall provide the standards and
 2309 requirements for the storage, preparation, serving, or display
 2310 of food in food service establishments as defined in this
 2311 section and which are not permitted or licensed under chapter
 2312 500 or chapter 509.

2313 (1) DEFINITIONS.—As used in this section, the term:

2314 (a) "Department" means the Department of Health or its
 2315 representative county health department.

2316 (b) "Food service establishment" means detention
 2317 facilities, public or private schools, migrant labor camps,
 2318 assisted living facilities, facilities participating in the
 2319 United States Department of Agriculture Afterschool Meal Program
 2320 that are located at a facility or site that is not inspected by
 2321 another state agency for compliance with sanitation standards,
 2322 adult family-care homes, adult day care centers, short-term
 2323 residential treatment centers, residential treatment facilities,
 2324 homes for special services, transitional living facilities,

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CS/CS/CS/HB 1263, Engrossed 3

2012 Legislature

2325 crisis stabilization units, hospices, prescribed pediatric
 2326 extended care centers, intermediate care facilities for persons
 2327 with developmental disabilities, boarding schools, civic or
 2328 fraternal organizations, bars and lounges, vending machines that
 2329 dispense potentially hazardous foods at facilities expressly
 2330 named in this paragraph, and facilities used as temporary food
 2331 events or mobile food units at any facility expressly named in
 2332 this paragraph, where food is prepared and intended for
 2333 individual portion service, including the site at which
 2334 individual portions are provided, regardless of whether
 2335 consumption is on or off the premises and regardless of whether
 2336 there is a charge for the food. The term does not include any
 2337 entity not expressly named in this paragraph; nor does the term
 2338 include a domestic violence center certified and monitored by
 2339 the Department of Children and Family Services under part XII of
 2340 chapter 39 if the center does not prepare and serve food to its
 2341 residents and does not advertise food or drink for public
 2342 consumption.

2343 (c) "Operator" means the owner, operator, keeper,
 2344 proprietor, lessee, manager, assistant manager, agent, or
 2345 employee of a food service establishment.

2346 Section 38. Section 381.00781, Florida Statutes, is
 2347 amended to read:

2348 381.00781 Fees; disposition.—

2349 ~~(1)~~ The department shall establish by rule the following
 2350 fees:

2351 (1) ~~(a)~~ ~~Fee~~ For the initial licensure of a tattoo
 2352 establishment and the renewal of such license, a fee ~~which,~~

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CS/CS/CS/HB 1263, Engrossed 3

2012 Legislature

2353 ~~except as provided in subsection (2), may not to~~ exceed \$250 per
 2354 year.

2355 (2)(b) ~~Fee~~ For licensure of a temporary establishment, a
 2356 fee ~~which, except as provided in subsection (2), may not to~~
 2357 exceed \$250.

2358 (3)(e) ~~Fee~~ For the initial licensure of a tattoo artist
 2359 and the renewal of such license, a fee ~~which, except as provided~~
 2360 ~~in subsection (2), may not to~~ exceed \$150 per year.

2361 (3)(d) ~~Fee~~ For registration or reregistration of a guest
 2362 tattoo artist, a fee ~~which, except as provided in subsection~~
 2363 ~~(2), may not to~~ exceed \$45.

2364 (4)(e) ~~Fee~~ For reactivation of an inactive tattoo
 2365 establishment license or tattoo artist license. A license
 2366 becomes inactive if it is not renewed before the expiration of
 2367 the current license.

2368 ~~(2) The department may annually adjust the maximum fees~~
 2369 ~~authorized under subsection (1) according to the rate of~~
 2370 ~~inflation or deflation indicated by the Consumer Price Index for~~
 2371 ~~All Urban Consumers, U.S. City Average, All Items, as reported~~
 2372 ~~by the United States Department of Labor.~~

2373 Section 39. Subsections (1) and (4) of section 381.0086,
 2374 Florida Statutes, are amended to read:

2375 381.0086 Rules; variances; penalties.—

2376 (1) The department shall adopt rules necessary to protect
 2377 the health and safety of migrant farmworkers and other migrant
 2378 labor camp or residential migrant housing occupants, including
 2379 rules governing field sanitation facilities. These rules must
 2380 include definitions of terms, a process for ~~provisions relating~~

ENROLLED

CS/CS/CS/HB 1263, Engrossed 3

2012 Legislature

2381 ~~to~~ plan review of the construction of new, expanded, or
 2382 remodeled camps or residential migrant housing, sites, buildings
 2383 and structures; and standards for~~7~~ personal hygiene facilities,
 2384 lighting, sewage disposal, safety, minimum living space per
 2385 occupant, bedding, food equipment, food storage and preparation,
 2386 insect and rodent control, garbage, heating equipment, water
 2387 supply, maintenance and operation of the camp, housing, or
 2388 roads, and such other matters as the department finds to be
 2389 appropriate or necessary to protect the life and health of the
 2390 occupants. Housing operated by a public housing authority is
 2391 exempt from the provisions of any administrative rule that
 2392 conflicts with or is more stringent than the federal standards
 2393 applicable to the housing.

2394 (4) A person who violates any provision of ss. 381.008-
 2395 381.00895 or rules adopted under such sections is subject either
 2396 to the penalties provided in ss. 381.0012~~7~~, ~~381.0025~~, and
 2397 381.0061 or to the penalties provided in s. 381.0087.

2398 Section 40. Subsections (1) and (7) of section 381.0098,
 2399 Florida Statutes, are amended to read:

2400 381.0098 Biomedical waste.—

2401 (1) LEGISLATIVE INTENT. ~~It is the intent of the~~
 2402 ~~Legislature to protect the public health by establishing~~
 2403 ~~standards for the safe packaging, transport, storage, treatment,~~
 2404 ~~and disposal of biomedical waste.~~ Except as otherwise provided
 2405 herein, the Department of Health shall regulate the packaging,
 2406 transport, storage, and treatment of biomedical waste. The
 2407 Department of Environmental Protection shall regulate onsite and
 2408 offsite incineration and disposal of biomedical waste.

ENROLLED

CS/CS/CS/HB 1263, Engrossed 3

2012 Legislature

2409 Consistent with the foregoing, the Department of Health shall
 2410 have the exclusive authority to establish treatment efficacy
 2411 standards for biomedical waste and the Department of
 2412 Environmental Protection shall have the exclusive authority to
 2413 establish statewide standards relating to environmental impacts,
 2414 if any, of treatment and disposal including, but not limited to,
 2415 water discharges and air emissions. An interagency agreement
 2416 between the Department of Environmental Protection and the
 2417 Department of Health shall be developed to ensure maximum
 2418 efficiency in coordinating, administering, and regulating
 2419 biomedical wastes.

2420 (7) ENFORCEMENT AND PENALTIES.—Any person or public body
 2421 in violation of this section or rules adopted under this section
 2422 is subject to penalties provided in ss. 381.0012, ~~381.0025~~, and
 2423 381.0061. However, an administrative fine not to exceed \$2,500
 2424 may be imposed for each day such person or public body is in
 2425 violation of this section. The department may deny, suspend, or
 2426 revoke any biomedical waste permit or registration if the
 2427 permittee violates this section, any rule adopted under this
 2428 section, or any lawful order of the department.

2429 Section 41. Subsections (2) through (8) of section
 2430 381.0101, Florida Statutes, are renumbered as subsection (1)
 2431 through (7), respectively, and present subsections (1), (3), and
 2432 (4) and paragraph (a) of present subsection (5) of that section
 2433 are amended to read:

2434 381.0101 Environmental health professionals.—

2435 ~~(1) LEGISLATIVE INTENT. Persons responsible for providing~~
 2436 ~~technical and scientific evaluations of environmental health and~~

ENROLLED

CS/CS/CS/HB 1263, Engrossed 3

2012 Legislature

2437 ~~sanitary conditions in business establishments and communities~~
 2438 ~~throughout the state may create a danger to the public health if~~
 2439 ~~they are not skilled or competent to perform such evaluations.~~
 2440 ~~The public relies on the judgment of environmental health~~
 2441 ~~professionals employed by both government agencies and~~
 2442 ~~industries to assure them that environmental hazards are~~
 2443 ~~identified and removed before they endanger the health or safety~~
 2444 ~~of the public. The purpose of this section is to assure the~~
 2445 ~~public that persons specifically responsible for performing~~
 2446 ~~environmental health and sanitary evaluations have been~~
 2447 ~~certified by examination as competent to perform such work.~~

2448 (2)~~(3)~~ CERTIFICATION REQUIRED.—~~A No person may not shall~~
 2449 perform environmental health or sanitary evaluations in any
 2450 primary program area of environmental health without being
 2451 certified by the department as competent to perform such
 2452 evaluations. This section does not apply to:

2453 (a) Persons performing inspections of public food service
 2454 establishments licensed under chapter 509; or

2455 (b) Persons performing site evaluations in order to
 2456 determine proper placement and installation of onsite wastewater
 2457 treatment and disposal systems who have successfully completed a
 2458 department-approved soils morphology course and who are working
 2459 under the direct responsible charge of an engineer licensed
 2460 under chapter 471.

2461 (3)~~(4)~~ ENVIRONMENTAL HEALTH PROFESSIONALS ADVISORY BOARD.—
 2462 The State Health Officer shall appoint an advisory board to
 2463 assist the department in the promulgation of rules for
 2464 certification, testing, establishing standards, and seeking

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CS/CS/CS/HB 1263, Engrossed 3

2012 Legislature

2465 enforcement actions against certified professionals.

2466 (a) The board shall be comprised of the State Surgeon

2467 General ~~Division Director for Environmental Health~~ or his or her

2468 designee, one individual who will be certified under this

2469 section, one individual not employed in a governmental capacity

2470 who will or does employ a certified environmental health

2471 professional, one individual whose business is or will be

2472 evaluated by a certified environmental health professional, a

2473 citizen of the state who neither employs nor is routinely

2474 evaluated by a person certified under this section.

2475 (b) The board shall advise the department as to the

2476 minimum disciplinary guidelines and standards of competency and

2477 proficiency necessary to obtain certification in a primary area

2478 of environmental health practice.

2479 1. The board shall recommend primary areas of

2480 environmental health practice in which environmental health

2481 professionals should be required to obtain certification.

2482 2. The board shall recommend minimum standards of practice

2483 which the department shall incorporate into rule.

2484 3. The board shall evaluate and recommend to the

2485 department existing registrations and certifications which meet

2486 or exceed minimum department standards and should, therefore,

2487 exempt holders of such certificates or registrations from

2488 compliance with this section.

2489 4. The board shall hear appeals of certificate denials,

2490 revocation, or suspension and shall advise the department as to

2491 the disposition of such an appeal.

2492 5. The board shall meet as often as necessary, but no less

ENROLLED

CS/CS/CS/HB 1263, Engrossed 3

2012 Legislature

2493 | than semiannually, handle appeals to the department, and conduct
 2494 | other duties of the board.

2495 | 6. Members of the board shall receive no compensation but
 2496 | are entitled to reimbursement for per diem and travel expenses
 2497 | in accordance with s. 112.061.

2498 | (4)~~(5)~~ STANDARDS FOR CERTIFICATION.—The department shall
 2499 | adopt rules that establish definitions of terms and minimum
 2500 | standards of education, training, or experience for those
 2501 | persons subject to this section. The rules must also address the
 2502 | process for application, examination, issuance, expiration, and
 2503 | renewal of certification and ethical standards of practice for
 2504 | the profession.

2505 | (a) Persons employed as environmental health professionals
 2506 | shall exhibit a knowledge of rules and principles of
 2507 | environmental and public health law in Florida through
 2508 | examination. A person may not conduct environmental health
 2509 | evaluations in a primary program area unless he or she is
 2510 | currently certified in that program area or works under the
 2511 | direct supervision of a certified environmental health
 2512 | professional.

2513 | 1. All persons who begin employment in a primary
 2514 | environmental health program on or after September 21, 1994,
 2515 | must be certified in that program within 6 months after
 2516 | employment.

2517 | 2. Persons employed in the primary environmental health
 2518 | program of a food protection program or an onsite sewage
 2519 | treatment and disposal system prior to September 21, 1994, shall
 2520 | be considered certified while employed in that position and

ENROLLED

CS/CS/CS/HB 1263, Engrossed 3

2012 Legislature

2521 shall be required to adhere to any professional standards
 2522 established by the department pursuant to paragraph (b),
 2523 complete any continuing education requirements imposed under
 2524 paragraph (d), and pay the certificate renewal fee imposed under
 2525 subsection (6) ~~(7)~~.

2526 3. Persons employed in the primary environmental health
 2527 program of a food protection program or an onsite sewage
 2528 treatment and disposal system prior to September 21, 1994, who
 2529 change positions or program areas and transfer into another
 2530 primary environmental health program area on or after September
 2531 21, 1994, must be certified in that program within 6 months
 2532 after such transfer, except that they will not be required to
 2533 possess the college degree required under paragraph (e).

2534 4. Registered sanitarians shall be considered certified
 2535 and shall be required to adhere to any professional standards
 2536 established by the department pursuant to paragraph (b).

2537 Section 42. Section 381.0203, Florida Statutes, is amended
 2538 to read:

2539 381.0203 Pharmacy services.—

2540 (1) The department may contract on a statewide basis for
 2541 the purchase of drugs, as defined in s. 499.003, to be used by
 2542 state agencies and political subdivisions, and may adopt rules
 2543 to administer this section.

2544 (2) The department shall establish and maintain a pharmacy
 2545 services program, including, but not limited to:

2546 (a) A central pharmacy to support pharmaceutical services
 2547 provided by the county health departments, including
 2548 pharmaceutical repackaging, dispensing, and the purchase and

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CS/CS/CS/HB 1263, Engrossed 3

2012 Legislature

2549 distribution of immunizations and other pharmaceuticals.
 2550 ~~(b) Regulation of drugs, cosmetics, and household products~~
 2551 ~~pursuant to chapter 499.~~
 2552 (b)~~(e)~~ Consultation to county health departments as
 2553 required by s. 154.04(1)(c).
 2554 ~~(d) A contraception distribution program which shall be~~
 2555 ~~implemented, to the extent resources permit, through the~~
 2556 ~~licensed pharmacies of county health departments. A woman who is~~
 2557 ~~eligible for participation in the contraceptive distribution~~
 2558 ~~program is deemed a patient of the county health department.~~
 2559 ~~1. To be eligible for participation in the program a woman~~
 2560 ~~must:~~
 2561 ~~a. Be a client of the department or the Department of~~
 2562 ~~Children and Family Services.~~
 2563 ~~b. Be of childbearing age with undesired fertility.~~
 2564 ~~c. Have an income between 150 and 200 percent of the~~
 2565 ~~federal poverty level.~~
 2566 ~~d. Have no Medicaid benefits or applicable health~~
 2567 ~~insurance benefits.~~
 2568 ~~e. Have had a medical examination by a licensed health~~
 2569 ~~care provider within the past 6 months.~~
 2570 ~~f. Have a valid prescription for contraceptives that are~~
 2571 ~~available through the contraceptive distribution program.~~
 2572 ~~g. Consent to the release of necessary medical information~~
 2573 ~~to the county health department.~~
 2574 ~~2. Fees charged for the contraceptives under the program~~
 2575 ~~must cover the cost of purchasing and providing contraceptives~~
 2576 ~~to women participating in the program.~~

ENROLLED

CS/CS/CS/HB 1263, Engrossed 3

2012 Legislature

2577 ~~3. The department may adopt rules to administer this~~
 2578 ~~program.~~

2579 Section 43. Subsection (1) of section 381.0261, Florida
 2580 Statutes, is amended to read:

2581 381.0261 Summary of patient's bill of rights;
 2582 distribution; penalty.—

2583 (1) The Department of Health shall publish on its Internet
 2584 website ~~Agency for Health Care Administration shall have printed~~
 2585 ~~and made continuously available to health care facilities~~
 2586 ~~licensed under chapter 395, physicians licensed under chapter~~
 2587 ~~458, osteopathic physicians licensed under chapter 459, and~~
 2588 ~~podiatric physicians licensed under chapter 461~~ a summary of the
 2589 Florida Patient's Bill of Rights and Responsibilities. In
 2590 adopting and making available to patients the summary of the
 2591 Florida Patient's Bill of Rights and Responsibilities, health
 2592 care providers and health care facilities are not limited to the
 2593 format in which the department publishes ~~Agency for Health Care~~
 2594 ~~Administration prints and distributes~~ the summary.

2595 Section 44. Section 381.0301, Florida Statutes, is
 2596 repealed.

2597 Section 45. Section 381.0302, Florida Statutes, is
 2598 repealed.

2599 Section 46. Subsection (5) of section 381.0303, Florida
 2600 Statutes, is amended to read:

2601 381.0303 Special needs shelters.—

2602 (5) SPECIAL NEEDS SHELTER INTERAGENCY COMMITTEE.—The State
 2603 Surgeon General may establish a special needs shelter
 2604 interagency committee and serve as, or appoint a designee to

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CS/CS/CS/HB 1263, Engrossed 3

2012 Legislature

2605 | serve as, the committee's chair. The department shall provide
 2606 | any necessary staff and resources to support the committee in
 2607 | the performance of its duties. The committee shall address and
 2608 | resolve problems related to special needs shelters not addressed
 2609 | in the state comprehensive emergency medical plan and shall
 2610 | consult on the planning and operation of special needs shelters.

2611 | (a) The committee shall:

2612 | ~~1.~~ develop, negotiate, and regularly review any necessary
 2613 | interagency agreements, and

2614 | ~~2.~~ undertake other such activities as the department deems
 2615 | necessary to facilitate the implementation of this section.

2616 | ~~3. Submit recommendations to the Legislature as necessary.~~

2617 | (b) The special needs shelter interagency committee shall
 2618 | be composed of representatives of emergency management, health,
 2619 | medical, and social services organizations. Membership shall
 2620 | include, but shall not be limited to, representatives of the
 2621 | Departments of Health, Children and Family Services, Elderly
 2622 | Affairs, and Education; the Agency for Health Care
 2623 | Administration; the Division of Emergency Management; the
 2624 | Florida Medical Association; the Florida Osteopathic Medical
 2625 | Association; Associated Home Health Industries of Florida, Inc.;
 2626 | the Florida Nurses Association; the Florida Health Care
 2627 | Association; the Florida Assisted Living Affiliation; the
 2628 | Florida Hospital Association; the Florida Statutory Teaching
 2629 | Hospital Council; the Florida Association of Homes for the
 2630 | Aging; the Florida Emergency Preparedness Association; the
 2631 | American Red Cross; Florida Hospices and Palliative Care, Inc.;
 2632 | the Association of Community Hospitals and Health Systems; the

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CS/CS/CS/HB 1263, Engrossed 3

2012 Legislature

2633 Florida Association of Health Maintenance Organizations; the
 2634 Florida League of Health Systems; the Private Care Association;
 2635 the Salvation Army; the Florida Association of Aging Services
 2636 Providers; the AARP; and the Florida Renal Coalition.

2637 (c) Meetings of the committee shall be held in
 2638 Tallahassee, and members of the committee shall serve at the
 2639 expense of the agencies or organizations they represent. The
 2640 committee shall make every effort to use teleconference or
 2641 videoconference capabilities in order to ensure statewide input
 2642 and participation.

2643 Section 47. Section 381.04015, Florida Statutes, is
 2644 repealed.

2645 Section 48. Subsections (2), (3), and (4) of section
 2646 381.0403, Florida Statutes, are amended to read:

2647 381.0403 The Community Hospital Education Act.—

2648 (2) ESTABLISHMENT OF PROGRAM ~~LEGISLATIVE INTENT.~~—

2649 ~~(a) It is the intent of the Legislature that health care~~
 2650 ~~services for the citizens of this state be upgraded and that a~~
 2651 ~~program for continuing these services be maintained through a~~
 2652 ~~plan for community medical education. The A program is intended~~
 2653 ~~established to plan for community medical education, provide~~
 2654 ~~additional outpatient and inpatient services, increase the a~~
 2655 ~~continuing supply of highly trained physicians, and expand~~
 2656 ~~graduate medical education.~~

2657 ~~(b) The Legislature further acknowledges the critical need~~
 2658 ~~for increased numbers of primary care physicians to provide the~~
 2659 ~~necessary current and projected health and medical services. In~~
 2660 ~~order to meet both present and anticipated needs, the~~

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CS/CS/CS/HB 1263, Engrossed 3

2012 Legislature

2661 ~~Legislature supports an expansion in the number of family~~
 2662 ~~practice residency positions. The Legislature intends that the~~
 2663 ~~funding for graduate education in family practice be maintained~~
 2664 ~~and that funding for all primary care specialties be provided at~~
 2665 ~~a minimum of \$10,000 per resident per year. Should funding for~~
 2666 ~~this act remain constant or be reduced, it is intended that all~~
 2667 ~~programs funded by this act be maintained or reduced~~
 2668 ~~proportionately.~~

2669 (3) PROGRAM FOR COMMUNITY HOSPITAL EDUCATION; STATE AND
 2670 LOCAL PLANNING.—

2671 (a) ~~There is established under the Department of Health a~~
 2672 ~~program for statewide graduate medical education. It is intended~~
 2673 ~~that continuing graduate medical education programs for interns~~
 2674 ~~and residents be established on a statewide basis. The program~~
 2675 shall provide financial support for primary care specialty
 2676 interns and residents based on recommendations of policies
 2677 ~~recommended and approved by the Community Hospital Education~~
 2678 Council, herein established, and the Department of Health, as
 2679 authorized by the General Appropriations Act. Only those
 2680 programs with at least three residents or interns in each year
 2681 of the training program are qualified to apply for financial
 2682 support. Programs with fewer than three residents or interns per
 2683 training year are qualified to apply for financial support, but
 2684 only if the appropriate accrediting entity for the particular
 2685 specialty has approved the program for fewer positions. New
 2686 ~~programs added after fiscal year 1997-1998~~ shall have 5 years to
 2687 attain the requisite number of residents or interns. When
 2688 feasible and to the extent allowed through the General

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CS/CS/CS/HB 1263, Engrossed 3

2012 Legislature

2689 Appropriations Act, state funds shall be used to generate
 2690 federal matching funds under Medicaid, or other federal
 2691 programs, and the resulting combined state and federal funds
 2692 shall be allocated to participating hospitals for the support of
 2693 graduate medical education.

2694 (b) For the purposes of this section, primary care
 2695 specialties include emergency medicine, family practice,
 2696 internal medicine, pediatrics, psychiatry,
 2697 obstetrics/gynecology, and combined pediatrics and internal
 2698 medicine, and other primary care specialties as may be included
 2699 by the council and Department of Health.

2700 (c) Medical institutions throughout the state may apply to
 2701 the Community Hospital Education Council for grants-in-aid for
 2702 financial support of their approved programs. Recommendations
 2703 for funding of approved programs shall be forwarded to the
 2704 Department of Health.

2705 (d) The program shall provide a plan for community
 2706 clinical teaching and training with the cooperation of the
 2707 medical profession, hospitals, and clinics. The plan shall also
 2708 include formal teaching opportunities for intern and resident
 2709 training. In addition, the plan shall establish an off-campus
 2710 medical faculty with university faculty review to be located
 2711 throughout the state in local communities.

2712 (4) PROGRAM FOR GRADUATE MEDICAL EDUCATION INNOVATIONS.—

2713 (a) There is established under the Department of Health a
 2714 program for fostering graduate medical education innovations.
 2715 Funds appropriated annually by the Legislature for this purpose
 2716 shall be distributed to participating hospitals or consortia of

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CS/CS/CS/HB 1263, Engrossed 3

2012 Legislature

2717 participating hospitals and Florida medical schools or to a
 2718 Florida medical school for the direct costs of providing
 2719 graduate medical education in community-based clinical settings
 2720 on a competitive grant or formula basis to achieve state health
 2721 care workforce policy objectives, including, but not limited to:

- 2722 1. Increasing the number of residents in primary care and
- 2723 other high demand specialties or fellowships;
- 2724 2. Enhancing retention of primary care physicians in
- 2725 Florida practice;
- 2726 3. Promoting practice in medically underserved areas of
- 2727 the state;
- 2728 4. Encouraging racial and ethnic diversity within the
- 2729 state's physician workforce; and
- 2730 5. Encouraging increased production of geriatricians.

2731 (b) Participating hospitals or consortia of participating
 2732 hospitals and Florida medical schools or a Florida medical
 2733 school providing graduate medical education in community-based
 2734 clinical settings may apply to the Community Hospital Education
 2735 Council for funding under this innovations program, except when
 2736 such innovations directly compete with services or programs
 2737 provided by participating hospitals or consortia of
 2738 participating hospitals, or by both hospitals and consortia.
 2739 Innovations program funding shall be allocated ~~provide funding~~
 2740 based on recommendations of ~~policies recommended and approved by~~
 2741 the Community Hospital Education Council and the Department of
 2742 Health, as authorized by the General Appropriations Act.

2743 (c) Participating hospitals or consortia of participating
 2744 hospitals and Florida medical schools or Florida medical schools

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CS/CS/CS/HB 1263, Engrossed 3

2012 Legislature

2745 awarded an innovations grant shall provide the Community
 2746 Hospital Education Council and Department of Health with an
 2747 annual report on their project.

2748 Section 49. Subsection (7) of section 381.0405, Florida
 2749 Statutes, is amended to read:

2750 381.0405 Office of Rural Health.—

2751 ~~(7) APPROPRIATION. The Legislature shall appropriate such~~
 2752 ~~sums as are necessary to support the Office of Rural Health.~~

2753 Section 50. Subsection (3) of section 381.0406, Florida
 2754 Statutes, is amended to read:

2755 381.0406 Rural health networks.—

2756 ~~(3) Because each rural area is unique, with a different~~
 2757 ~~health care provider mix,~~ Health care provider membership may
 2758 vary, but all networks shall include members that provide public
 2759 health, comprehensive primary care, emergency medical care, and
 2760 acute inpatient care.

2761 Section 51. Effective October 1, 2014, section 381.0407,
 2762 Florida Statutes, is repealed.

2763 Section 52. Section 381.045, Florida Statutes, is
 2764 repealed.

2765 Section 53. Subsection (7) of section 381.06015, Florida
 2766 Statutes, is amended to read:

2767 381.06015 Public Cord Blood Tissue Bank.—

2768 ~~(7) In order to fund the provisions of this section the~~
 2769 ~~consortium participants, the Agency for Health Care~~
 2770 ~~Administration, and the Department of Health shall seek private~~
 2771 ~~or federal funds to initiate program actions for fiscal year~~
 2772 ~~2000-2001.~~

ENROLLED

CS/CS/CS/HB 1263, Engrossed 3

2012 Legislature

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

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

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

381.4018 Physician workforce assessment and development.—
~~(2) LEGISLATIVE INTENT. The Legislature recognizes that physician workforce planning is an essential component of ensuring that there is an adequate and appropriate supply of well-trained physicians to meet this state's future health care service needs as the general population and elderly population of the state increase. The Legislature finds that items to consider relative to assessing the physician workforce may include physician practice status; specialty mix; geographic distribution; demographic information, including, but not limited to, age, gender, race, and cultural considerations; and needs of current or projected medically underserved areas in the state. Long-term strategic planning is essential as the period from the time a medical student enters medical school to completion of graduate medical education may range from 7 to 10 years or longer. The Legislature recognizes that strategies to provide for a well-trained supply of physicians must include ensuring the availability and capacity of quality medical schools and graduate medical education programs in this state,~~

ENROLLED

CS/CS/CS/HB 1263, Engrossed 3

2012 Legislature

2801 ~~as well as using new or existing state and federal programs~~
 2802 ~~providing incentives for physicians to practice in needed~~
 2803 ~~specialties and in underserved areas in a manner that addresses~~
 2804 ~~projected needs for physician manpower.~~

2805 (3)~~(4)~~ GENERAL FUNCTIONS.—The department shall maximize
 2806 the use of existing programs under the jurisdiction of the
 2807 department and other state agencies and coordinate governmental
 2808 and nongovernmental stakeholders and resources in order to
 2809 develop a state strategic plan and assess the implementation of
 2810 such strategic plan. In developing the state strategic plan, the
 2811 department shall:

2812 (f) Develop strategies to maximize federal and state
 2813 programs that provide for the use of incentives to attract
 2814 physicians to this state or retain physicians within the state.
 2815 Such strategies should explore and maximize federal-state
 2816 partnerships that provide incentives for physicians to practice
 2817 in federally designated shortage areas. Strategies shall also
 2818 consider the use of state programs, such as the ~~Florida Health~~
 2819 ~~Service Corps established pursuant to s. 381.0302~~ and the
 2820 Medical Education Reimbursement and Loan Repayment Program
 2821 pursuant to s. 1009.65, which provide for education loan
 2822 repayment or loan forgiveness and provide monetary incentives
 2823 for physicians to relocate to underserved areas of the state.

2824 Section 57. Section 381.60225, Florida Statutes, is
 2825 repealed.

2826 Section 58. Sections 381.732, 381.733, and 381.734,
 2827 Florida Statutes, are repealed.

2828 Section 59. Section 381.7352, Florida Statutes, is amended

ENROLLED

CS/CS/CS/HB 1263, Engrossed 3

2012 Legislature

2829 to read:

2830 381.7352 Legislative findings and intent.—

2831 ~~(1) The Legislature finds that despite state investments~~

2832 ~~in health care programs, certain racial and ethnic populations~~

2833 ~~in Florida continue to have significantly poorer health outcomes~~

2834 ~~when compared to non-Hispanic whites. The Legislature finds that~~

2835 ~~local solutions to health care problems can have a dramatic and~~

2836 ~~positive effect on the health status of these populations. Local~~

2837 ~~governments and communities are best equipped to identify the~~

2838 ~~health education, health promotion, and disease prevention needs~~

2839 ~~of the racial and ethnic populations in their communities,~~

2840 ~~mobilize the community to address health outcome disparities,~~

2841 ~~enlist and organize local public and private resources, and~~

2842 ~~faith-based organizations to address these disparities, and~~

2843 ~~evaluate the effectiveness of interventions.~~

2844 (2) It is ~~therefore~~ the intent of the Legislature to

2845 provide funds within Florida counties and Front Porch Florida

2846 Communities, in the form of Reducing Racial and Ethnic Health

2847 Disparities: Closing the Gap grants, to stimulate the

2848 development of community-based and neighborhood-based projects

2849 which will improve the health outcomes of racial and ethnic

2850 populations. Further, it is the intent of the Legislature that

2851 these programs foster the development of coordinated,

2852 collaborative, and broad-based participation by public and

2853 private entities, and faith-based organizations. Finally, it is

2854 the intent of the Legislature that the grant program function as

2855 a partnership between state and local governments, faith-based

2856 organizations, and private sector health care providers,

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CS/CS/CS/HB 1263, Engrossed 3

2012 Legislature

2857 including managed care, voluntary health care resources, social
 2858 service providers, and nontraditional partners.

2859 Section 60. Subsection (3) of section 381.7353, Florida
 2860 Statutes, is amended to read:

2861 381.7353 Reducing Racial and Ethnic Health Disparities:
 2862 Closing the Gap grant program; administration; department
 2863 duties.—

2864 ~~(3) Pursuant to s. 20.43(6), the State Surgeon General may~~
 2865 ~~appoint an ad hoc advisory committee to: examine areas where~~
 2866 ~~public awareness, public education, research, and coordination~~
 2867 ~~regarding racial and ethnic health outcome disparities are~~
 2868 ~~lacking; consider access and transportation issues which~~
 2869 ~~contribute to health status disparities; and make~~
 2870 ~~recommendations for closing gaps in health outcomes and~~
 2871 ~~increasing the public's awareness and understanding of health~~
 2872 ~~disparities that exist between racial and ethnic populations.~~

2873 Section 61. Subsections (5) and (6) of section 381.7356,
 2874 Florida Statutes, are renumbered as subsections (4) and (5),
 2875 respectively, and present subsection (4) of that section is
 2876 amended to read:

2877 381.7356 Local matching funds; grant awards.—

2878 ~~(4) Dissemination of grant awards shall begin no later~~
 2879 ~~than January 1, 2001.~~

2880 Section 62. Subsection (3) of section 381.765, Florida
 2881 Statutes, is amended to read:

2882 381.765 Retention of title to and disposal of equipment.—

2883 ~~(3) The department may adopt rules relating to records and~~
 2884 ~~recordkeeping for department-owned property referenced in~~

ENROLLED

CS/CS/CS/HB 1263, Engrossed 3

2012 Legislature

2885 ~~subsections (1) and (2).~~

2886 Section 63. Section 381.77, Florida Statutes, is repealed.

2887 Section 64. Section 381.795, Florida Statutes, is

2888 repealed.

2889 Section 65. Subsections (2) through (5) of section

2890 381.853, Florida Statutes, are renumbered as subsections (1)

2891 through (4), respectively, and present subsection (1) of that

2892 section is amended to read:

2893 381.853 Florida Center for Brain Tumor Research.—

2894 ~~(1) The Legislature finds that each year an estimated~~

2895 ~~190,000 citizens of the United States are diagnosed with~~

2896 ~~cancerous and noncancerous brain tumors and that biomedical~~

2897 ~~research is the key to finding cures for these tumors. The~~

2898 ~~Legislature further finds that, although brain tumor research is~~

2899 ~~being conducted throughout the state, there is a lack of~~

2900 ~~coordinated efforts among researchers and health care providers.~~

2901 ~~Therefore, the Legislature finds that there is a significant~~

2902 ~~need for a coordinated effort to achieve the goal of curing~~

2903 ~~brain tumors. The Legislature further finds that the biomedical~~

2904 ~~technology sector meets the criteria of a high-impact sector,~~

2905 ~~pursuant to s. 288.108(6), having a high importance to the~~

2906 ~~state's economy with a significant potential for growth and~~

2907 ~~contribution to our universities and quality of life.~~

2908 Section 66. Section 381.855, Florida Statutes, is

2909 repealed.

2910 Section 67. Section 381.87, Florida Statutes, is repealed.

2911 Section 68. Section 381.90, Florida Statutes, is repealed.

2912 Section 69. Subsection (1) of section 381.91, Florida

CODING: Words **stricken** are deletions; words **underlined** are additions.

ENROLLED

CS/CS/CS/HB 1263, Engrossed 3

2012 Legislature

2913 Statutes, is amended to read:

2914 381.91 Jessie Trice Cancer Prevention Program.—

2915 (1) It is the intent of the Legislature to:

2916 ~~(a) Reduce the rates of illness and death from lung cancer~~
 2917 ~~and other cancers and improve the quality of life among low-~~
 2918 ~~income African American and Hispanic populations through~~
 2919 ~~increased access to early, effective screening and diagnosis,~~
 2920 ~~education, and treatment programs.~~

2921 ~~(b)~~ create a community faith-based disease-prevention
 2922 program in conjunction with the Health Choice Network and other
 2923 community health centers to build upon the natural referral and
 2924 education networks in place within minority communities and to
 2925 increase access to health service delivery in Florida and-

2926 ~~(c)~~ establish a funding source to build upon local private
 2927 participation to sustain the operation of the program.

2928 Section 70. Subsection (5) of section 381.922, Florida
 2929 Statutes, is amended to read:

2930 381.922 William G. "Bill" Bankhead, Jr., and David Coley
 2931 Cancer Research Program.—

2932 (5) The William G. "Bill" Bankhead, Jr., and David Coley
 2933 Cancer Research Program is funded pursuant to s. 215.5602(12).
 2934 Funds appropriated for the William G. "Bill" Bankhead, Jr., and
 2935 David Coley Cancer Research Program shall be distributed
 2936 pursuant to this section to provide grants to researchers
 2937 seeking cures for cancer and cancer-related illnesses, with
 2938 emphasis given to the goals enumerated in this section. From the
 2939 total funds appropriated, an amount of up to 10 percent may be
 2940 used for administrative expenses. ~~From funds appropriated to~~

ENROLLED

CS/CS/CS/HB 1263, Engrossed 3

2012 Legislature

2941 ~~accomplish the goals of this section, up to \$250,000 shall be~~
 2942 ~~available for the operating costs of the Florida Center for~~
 2943 ~~Universal Research to Eradicate Disease.~~

2944 Section 71. Paragraph (g) of subsection (1) of section
 2945 383.011, Florida Statutes, is amended to read:

2946 383.011 Administration of maternal and child health
 2947 programs.—

2948 (1) The Department of Health is designated as the state
 2949 agency for:

2950 (g) Receiving the federal funds for the "Special
 2951 Supplemental Nutrition Program for Women, Infants, and
 2952 Children," or WIC, authorized by the Child Nutrition Act of
 2953 1966, as amended, and for providing clinical leadership for
 2954 ~~administering~~ the statewide WIC program.

2955 1. The department shall establish an interagency agreement
 2956 with the Department of Children and Family Services for fiscal
 2957 management of the program. Responsibilities are delegated to
 2958 each department, as follows:

2959 a. The department shall provide clinical leadership,
 2960 manage program eligibility, and distribute nutritional guidance
 2961 and information to participants.

2962 b. The Department of Children and Family Services shall
 2963 develop and implement an electronic benefits transfer system.

2964 c. The Department of Children and Family Services shall
 2965 develop a cost containment plan that provides timely and
 2966 accurate adjustments based on wholesale price fluctuations and
 2967 adjusts for the number of cash registers in calculating
 2968 statewide averages.

ENROLLED

CS/CS/CS/HB 1263, Engrossed 3

2012 Legislature

2969 d. The department shall coordinate submission of
 2970 information to appropriate federal officials in order to obtain
 2971 approval of the electronic benefits system and cost containment
 2972 plan, which must include participation of WIC-only stores.

2973 2. The department shall assist the Department of Children
 2974 and Family Services in the development of the electronic
 2975 benefits system to ensure full implementation no later than July
 2976 1, 2013.

2977 Section 72. Section 383.141, Florida Statutes, is created
 2978 to read:

2979 383.141 Prenatally diagnosed conditions; patient to be
 2980 provided information; definitions; information clearinghouse;
 2981 advisory council.-

2982 (1) As used in this section, the term:

2983 (a) "Down syndrome" means a chromosomal disorder caused by
 2984 an error in cell division which results in the presence of an
 2985 extra whole or partial copy of chromosome 21.

2986 (b) "Developmental disability" includes Down syndrome and
 2987 other developmental disabilities defined by s. 393.063(9).

2988 (c) "Health care provider" means a practitioner licensed
 2989 or registered under chapter 458 or chapter 459 or an advanced
 2990 registered nurse practitioner certified under chapter 464.

2991 (d) "Prenatally diagnosed condition" means an adverse
 2992 fetal health condition identified by prenatal testing.

2993 (e) "Prenatal test" or "prenatal testing" means a
 2994 diagnostic procedure or screening procedure performed on a
 2995 pregnant woman or her unborn offspring to obtain information
 2996 about the offspring's health or development.

ENROLLED

CS/CS/CS/HB 1263, Engrossed 3

2012 Legislature

2997 (2) When a developmental disability is diagnosed based on
 2998 the results of a prenatal test, the health care provider who
 2999 ordered the prenatal test, or his or her designee, shall provide
 3000 the patient with current information about the nature of the
 3001 developmental disability, the accuracy of the prenatal test, and
 3002 resources for obtaining relevant support services, including
 3003 hotlines, resource centers, and information clearinghouses
 3004 related to Down syndrome or other prenatally diagnosed
 3005 developmental disabilities; support programs for parents and
 3006 families; and developmental evaluation and intervention services
 3007 under s. 391.303.

3008 (3) The Department of Health shall establish on its
 3009 Internet website a clearinghouse of information related to
 3010 developmental disabilities concerning providers of supportive
 3011 services, information hotlines specific to Down syndrome and
 3012 other prenatally diagnosed developmental disabilities, resource
 3013 centers, educational programs, other support programs for
 3014 parents and families, and developmental evaluation and
 3015 intervention services under s. 391.303. Such information shall
 3016 be made available to health care providers for use in counseling
 3017 pregnant women whose unborn children have been prenatally
 3018 diagnosed with developmental disabilities.

3019 (a) There is established an advisory council within the
 3020 Department of Health which consists of health care providers and
 3021 caregivers who perform health care services for persons who have
 3022 developmental disabilities, including Down syndrome and autism.

3023 This group shall consist of nine members as follows:

- 3024 1. Three members appointed by the Governor;

ENROLLED

CS/CS/CS/HB 1263, Engrossed 3

2012 Legislature

3025 2. Three members appointed by the President of the Senate;
 3026 and

3027 3. Three members appointed by the Speaker of the House of
 3028 Representatives.

3029 (b) The advisory council shall provide technical
 3030 assistance to the Department of Health in the establishment of
 3031 the information clearinghouse and give the department the
 3032 benefit of the council members' knowledge and experience
 3033 relating to the needs of patients and families of patients with
 3034 developmental disabilities and available support services.

3035 (c) Members of the council shall elect a chairperson and a
 3036 vice chairperson. The elected chairperson and vice chairperson
 3037 shall serve in these roles until their terms of appointment on
 3038 the council expire.

3039 (d) The advisory council shall meet quarterly to review
 3040 this clearinghouse of information, and may meet more often at
 3041 the call of the chairperson or as determined by a majority of
 3042 members.

3043 (e) The council members shall be appointed to 4-year
 3044 terms, except that, to provide for staggered terms, one initial
 3045 appointee each from the Governor, the President of the Senate,
 3046 and the Speaker of the House of Representatives shall be
 3047 appointed to a 2-year term, one appointee each from these
 3048 officials shall be appointed to a 3-year term, and the remaining
 3049 initial appointees shall be appointed to 4-year terms. All
 3050 subsequent appointments shall be for 4-year terms. A vacancy
 3051 shall be filled for the remainder of the unexpired term in the
 3052 same manner as the original appointment.

ENROLLED

CS/CS/CS/HB 1263, Engrossed 3

2012 Legislature

3053 (f) Members of the council shall serve without
 3054 compensation. Meetings of the council may be held in person,
 3055 without reimbursement for travel expenses, or by teleconference
 3056 or other electronic means.

3057 (g) The Department of Health shall provide administrative
 3058 support for the advisory council.

3059 Section 73. Effective July 1, 2012, section 385.210,
 3060 Florida Statutes, is repealed.

3061 Section 74. Section 391.016, Florida Statutes, is amended
 3062 to read:

3063 391.016 Purposes and functions ~~Legislative intent.~~—The
 3064 ~~Legislature intends that the~~ Children's Medical Services program
 3065 is established for the following purposes and authorized to
 3066 perform the following functions:

3067 (1) Provide to children with special health care needs a
 3068 family-centered, comprehensive, and coordinated statewide
 3069 managed system of care that links community-based health care
 3070 with multidisciplinary, regional, and tertiary pediatric
 3071 specialty care. The program shall coordinate and maintain a
 3072 consistent ~~may provide for the coordination and maintenance of~~
 3073 ~~consistency of the~~ medical home for participating children ~~in~~
 3074 ~~families with a Children's Medical Services program participant,~~
 3075 ~~in order to achieve family-centered care.~~

3076 (2) Provide essential preventive, evaluative, and early
 3077 intervention services for children at risk for or having special
 3078 health care needs, in order to prevent or reduce long-term
 3079 disabilities.

3080 ~~(3) Serve as a principal provider for children with~~

ENROLLED

CS/CS/CS/HB 1263, Engrossed 3

2012 Legislature

3081 ~~special health care needs under Titles XIX and XXI of the Social~~
 3082 ~~Security Act.~~

3083 ~~(4) Be complementary to children's health training~~
 3084 ~~programs essential for the maintenance of a skilled pediatric~~
 3085 ~~health care workforce for all Floridians.~~

3086 Section 75. Section 391.021, Florida Statutes, is amended
 3087 to read:

3088 391.021 Definitions.—When used in this act, the term
 3089 ~~unless the context clearly indicates otherwise:~~

3090 (1) "Children's Medical Services network" or "network"
 3091 means a statewide managed care service system that includes
 3092 health care providers, as defined in this section.

3093 (2) "Children with special health care needs" means those
 3094 children younger than 21 years of age who have chronic and
 3095 serious physical, developmental, behavioral, or emotional
 3096 conditions and who ~~also~~ require health care and related services
 3097 of a type or amount beyond that which is generally required by
 3098 children.

3099 (3) "Department" means the Department of Health.

3100 (4) "Eligible individual" means a child with a special
 3101 health care need or a female with a high-risk pregnancy, who
 3102 meets the financial and medical eligibility standards
 3103 established in s. 391.029.

3104 (5) "Health care provider" means a health care
 3105 professional, health care facility, or entity licensed or
 3106 certified to provide health services in this state that meets
 3107 the criteria as established by the department.

3108 (6) "Health services" includes the prevention, diagnosis,

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CS/CS/CS/HB 1263, Engrossed 3

2012 Legislature

3109 and treatment of human disease, pain, injury, deformity, or
 3110 disabling conditions.

3111 (7) "Participant" means an eligible individual who is
 3112 enrolled in the Children's Medical Services program.

3113 (8) "Program" means the Children's Medical Services
 3114 program established in the department.

3115 Section 76. Section 391.025, Florida Statutes, is amended
 3116 to read:

3117 391.025 Applicability and scope.—

3118 (1) The Children's Medical Services program consists of
 3119 the following components:

3120 (a) The newborn screening program established in s.
 3121 383.14.

3122 (b) The regional perinatal intensive care centers program
 3123 established in ss. 383.15-383.21.

3124 ~~(c) A federal or state program authorized by the~~
 3125 ~~Legislature.~~

3126 (c) ~~(d)~~ The developmental evaluation and intervention
 3127 program, including the Florida Infants and Toddlers Early
 3128 Intervention Program.

3129 (d) ~~(e)~~ The Children's Medical Services network.

3130 (2) The Children's Medical Services program shall not be
 3131 deemed an insurer and is not subject to the licensing
 3132 requirements of the Florida Insurance Code or the rules adopted
 3133 thereunder, ~~when providing services to children who receive~~
 3134 ~~Medicaid benefits, other Medicaid-eligible children with special~~
 3135 ~~health care needs, and children participating in the Florida~~
 3136 ~~Kideare program.~~

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CS/CS/CS/HB 1263, Engrossed 3

2012 Legislature

3137 Section 77. Section 391.026, Florida Statutes, is amended
 3138 to read:

3139 391.026 Powers and duties of the department.—The
 3140 department shall have the following powers, duties, and
 3141 responsibilities:

3142 (1) To provide or contract for the provision of health
 3143 services to eligible individuals.

3144 (2) To provide services to abused and neglected children
 3145 through child protective teams pursuant to s. 39.303.

3146 ~~(3)(2) To determine the medical and financial eligibility~~
 3147 ~~standards for the program and to determine the medical and~~
 3148 financial eligibility of individuals seeking health services
 3149 from the program.

3150 ~~(3) To recommend priorities for the implementation of~~
 3151 ~~comprehensive plans and budgets.~~

3152 (4) To coordinate a comprehensive delivery system for
 3153 eligible individuals to take maximum advantage of all available
 3154 funds.

3155 (5) To ~~promote, establish, and~~ coordinate with programs
 3156 relating to children's medical services in cooperation with
 3157 other public and private agencies ~~and to coordinate funding of~~
 3158 ~~health care programs with federal, state, or local indigent~~
 3159 ~~health care funding mechanisms.~~

3160 (6) To initiate and, ~~coordinate, and request review of~~
 3161 applications to federal agencies and private organizations ~~and~~
 3162 ~~state agencies~~ for funds, services, or commodities relating to
 3163 children's medical programs.

3164 (7) To sponsor or promote grants for projects, programs,

ENROLLED

CS/CS/CS/HB 1263, Engrossed 3

2012 Legislature

3165 education, or research in the field of ~~medical needs~~ of children
 3166 with special health needs, with an emphasis on early diagnosis
 3167 and treatment.

3168 (8) To oversee and operate the Children's Medical Services
 3169 network.

3170 (9) To establish reimbursement mechanisms for the
 3171 Children's Medical Services network.

3172 (10) To establish Children's Medical Services network
 3173 standards and credentialing requirements for health care
 3174 providers and health care services.

3175 (11) To serve as a provider and principal case manager for
 3176 children with special health care needs under Titles XIX and XXI
 3177 of the Social Security Act.

3178 (12) To monitor the provision of health services in the
 3179 program, including the utilization and quality of health
 3180 services.

3181 (13) To administer the Children with Special Health Care
 3182 Needs program in accordance with Title V of the Social Security
 3183 Act.

3184 (14) To establish and operate a grievance resolution
 3185 process for participants and health care providers.

3186 (15) To maintain program integrity in the Children's
 3187 Medical Services program.

3188 (16) To receive and manage health care premiums,
 3189 capitation payments, and funds from federal, state, local, and
 3190 private entities for the program. The department may contract
 3191 with a third-party administrator for processing claims,
 3192 monitoring medical expenses, and other related services

ENROLLED

CS/CS/CS/HB 1263, Engrossed 3

2012 Legislature

3193 necessary to the efficient and cost-effective operation of the
 3194 Children's Medical Services network. The department is
 3195 authorized to maintain a minimum reserve for the Children's
 3196 Medical Services network in an amount that is the greater of:

3197 (a) Ten percent of total projected expenditures for Title
 3198 XIX-funded and Title XXI-funded children; or

3199 (b) Two percent of total annualized payments from the
 3200 Agency for Health Care Administration for Title XIX and Title
 3201 XXI of the Social Security Act.

3202 (17) To provide or contract for ~~appoint health care~~
 3203 ~~consultants for the purpose of providing peer review and other~~
 3204 ~~quality-improvement activities making recommendations to enhance~~
 3205 ~~the delivery and quality of services in the Children's Medical~~
 3206 ~~Services program.~~

3207 (18) To adopt rules pursuant to ss. 120.536(1) and 120.54
 3208 to administer the Children's Medical Services Act. ~~The rules may~~
 3209 ~~include requirements for definitions of terms, program~~
 3210 ~~organization, and program description; a process for selecting~~
 3211 ~~an area medical director; responsibilities of applicants and~~
 3212 ~~clients; requirements for service applications, including~~
 3213 ~~required medical and financial information; eligibility~~
 3214 ~~requirements for initial treatment and for continued~~
 3215 ~~eligibility, including financial and custody issues;~~
 3216 ~~methodologies for resource development and allocation, including~~
 3217 ~~medical and financial considerations; requirements for~~
 3218 ~~reimbursement services rendered to a client; billing and payment~~
 3219 ~~requirements for providers; requirements for qualification,~~
 3220 ~~appointments, verification, and emergency exceptions for health-~~

ENROLLED

CS/CS/CS/HB 1263, Engrossed 3

2012 Legislature

3221 ~~professional consultants; general and diagnostic specific~~
 3222 ~~standards for diagnostic and treatment facilities; and standards~~
 3223 ~~for the method of service delivery, including consultant~~
 3224 ~~services, respect for privacy considerations, examination~~
 3225 ~~requirements, family support plans, and clinic design.~~

3226 Section 78. Section 391.028, Florida Statutes, is amended
 3227 to read:

3228 391.028 Administration. ~~The Children's Medical Services~~
 3229 ~~program shall have a central office and area offices.~~

3230 (1) The Director of Children's Medical Services must be a
 3231 physician licensed under chapter 458 or chapter 459 who has
 3232 specialized training and experience in the provision of health
 3233 care to children and who has recognized skills in leadership and
 3234 the promotion of children's health programs. The director shall
 3235 be the deputy secretary and the Deputy State Health Officer for
 3236 Children's Medical Services and is appointed by and reports to
 3237 the State Surgeon General. The director may appoint such other
 3238 staff as necessary for the operation of the program ~~division~~
 3239 ~~directors~~ subject to the approval of the State Surgeon General.

3240 (2) The director shall provide for operational system
 3241 using such department staff and contract providers as necessary.
 3242 The program shall implement the following program activities
 3243 under physician supervision on a statewide basis ~~designate~~
 3244 ~~Children's Medical Services area offices to perform operational~~
 3245 ~~activities, including, but not limited to:~~

3246 (a) ~~Providing~~ Case management services for ~~the~~ network
 3247 participants;

3248 (b) Management and ~~Providing~~ local oversight of local ~~the~~

ENROLLED

CS/CS/CS/HB 1263, Engrossed 3

2012 Legislature

3249 program activities;—

3250 (c) ~~Determining an individual's~~ Medical and financial
 3251 eligibility determination for the program in accordance with s.
 3252 391.029;—

3253 (d) ~~Participating in the~~ Determination of a level of care
 3254 and medical complexity for long-term care services;—

3255 (e) Authorizing services in the program and developing
 3256 spending plans;—

3257 (f) ~~Participating in the~~ Development of treatment plans;
 3258 and—

3259 (g) ~~Taking part in the~~ Resolution of complaints and
 3260 grievances from participants and health care providers.

3261 (3) Each Children's Medical Services area office shall be
 3262 directed by a physician licensed under chapter 458 or chapter
 3263 459 who has specialized training and experience in the provision
 3264 of health care to children. The director of a Children's Medical
 3265 Services area office shall be appointed by the director from the
 3266 active panel of Children's Medical Services physician
 3267 consultants.

3268 Section 79. Section 391.029, Florida Statutes, is amended
 3269 to read:

3270 391.029 Program eligibility.—

3271 (1) Eligibility ~~The department shall establish the medical~~
 3272 ~~criteria to determine if an applicant~~ for the Children's Medical
 3273 Services program is based on the diagnosis of one or more
 3274 chronic and serious medical conditions and the family's need for
 3275 specialized services ~~an eligible individual~~.

3276 (2) The following individuals are ~~financially~~ eligible to

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CS/CS/CS/HB 1263, Engrossed 3

2012 Legislature

3277 receive services through the program:

3278 (a) A high-risk pregnant female who is enrolled in
 3279 ~~eligible for~~ Medicaid.

3280 (b) Children with serious special health care needs from
 3281 birth to 21 years of age who are enrolled in ~~eligible for~~
 3282 Medicaid.

3283 (c) Children with serious special health care needs from
 3284 birth to 19 years of age who are enrolled in ~~eligible for~~ a
 3285 program under Title XXI of the Social Security Act.

3286 (3) Subject to the availability of funds, the following
 3287 individuals may receive services through the program:

3288 (a) Children with serious special health care needs from
 3289 birth to 21 years of age who do not qualify for Medicaid or
 3290 ~~whose family income is above the requirements for financial~~
 3291 ~~eligibility under~~ Title XXI of the Social Security Act but who
 3292 are unable to access, due to lack of providers or lack of
 3293 financial resources, specialized services that are medically
 3294 necessary or essential family support services ~~and whose~~
 3295 ~~projected annual cost of care adjusts the family income to~~
 3296 ~~Medicaid financial criteria.~~ Families ~~In cases where the family~~
 3297 ~~income is adjusted based on a projected annual cost of care, the~~
 3298 ~~family~~ shall participate financially in the cost of care based
 3299 on a sliding fee scale ~~criteria~~ established by the department.

3300 (b) Children with special health care needs from birth to
 3301 21 years of age, as provided in Title V of the Social Security
 3302 Act.

3303 (c) An infant who receives an award of compensation under
 3304 s. 766.31(1). The Florida Birth-Related Neurological Injury

ENROLLED

CS/CS/CS/HB 1263, Engrossed 3

2012 Legislature

3305 Compensation Association shall reimburse the Children's Medical
 3306 Services Network the state's share of funding, which must
 3307 thereafter be used to obtain matching federal funds under Title
 3308 XXI of the Social Security Act.

3309 ~~(4) The department shall determine the financial and~~
 3310 ~~medical eligibility of children for the program. The department~~
 3311 ~~shall also determine the financial ability of the parents, or~~
 3312 ~~persons or other agencies having legal custody over such~~
 3313 ~~individuals, to pay the costs of health services under the~~
 3314 ~~program. The department may pay reasonable travel expenses~~
 3315 ~~related to the determination of eligibility for or the provision~~
 3316 ~~of health services.~~

3317 (4)-(5) Any child who has been provided with surgical or
 3318 medical care or treatment under this act prior to being adopted
 3319 and has serious and chronic special health needs shall continue
 3320 to be eligible to be provided with such care or treatment after
 3321 his or her adoption, regardless of the financial ability of the
 3322 persons adopting the child.

3323 Section 80. Section 391.0315, Florida Statutes, is amended
 3324 to read:

3325 391.0315 Benefits.—Benefits provided under the program for
 3326 children with special health care needs shall be equivalent to
 3327 ~~the same~~ benefits provided to children as specified in ss.
 3328 409.905 and 409.906. The department may offer additional
 3329 benefits for early intervention services, respite services,
 3330 genetic testing, genetic and nutritional counseling, and parent
 3331 support services, if such services are determined to be
 3332 medically necessary. ~~No child or person determined eligible for~~

ENROLLED

CS/CS/CS/HB 1263, Engrossed 3

2012 Legislature

3333 ~~the program who is eligible under Title XIX or Title XXI of the~~
 3334 ~~Social Security Act shall receive any service other than an~~
 3335 ~~initial health care screening or treatment of an emergency~~
 3336 ~~medical condition as defined in s. 395.002, until such child or~~
 3337 ~~person is enrolled in Medicaid or a Title XXI program.~~

3338 Section 81. Effective January 1, 2013, section 392.51,
 3339 Florida Statutes, is amended to read:

3340 392.51 Tuberculosis control Findings and intent.—A
 3341 statewide system is established to control tuberculosis
 3342 infection and mitigate its effects. The system consists ~~The~~
 3343 ~~Legislature finds and declares that active tuberculosis is a~~
 3344 ~~highly contagious infection that is sometimes fatal and~~
 3345 ~~constitutes a serious threat to the public health. The~~
 3346 ~~Legislature finds that there is a significant reservoir of~~
 3347 ~~tuberculosis infection in this state and that there is a need to~~
 3348 ~~develop community programs to identify tuberculosis and to~~
 3349 ~~respond quickly with appropriate measures. The Legislature finds~~
 3350 ~~that some patients who have active tuberculosis have complex~~
 3351 ~~medical, social, and economic problems that make outpatient~~
 3352 ~~control of the disease difficult, if not impossible, without~~
 3353 ~~posing a threat to the public health. The Legislature finds that~~
 3354 ~~in order to protect the citizenry from those few persons who~~
 3355 ~~pose a threat to the public, it is necessary to establish a~~
 3356 ~~system~~ of mandatory contact identification, treatment to cure,
 3357 hospitalization, and isolation for contagious cases, and to
 3358 ~~provide a system~~ of voluntary, community-oriented care and
 3359 surveillance in all other cases. ~~The Legislature finds that the~~
 3360 ~~delivery of Tuberculosis control services~~ shall be provided ~~is~~

ENROLLED

CS/CS/CS/HB 1263, Engrossed 3

2012 Legislature

3361 ~~best accomplished~~ by the coordinated efforts of the respective
 3362 county health departments and contracted or other private health
 3363 care providers, ~~the A.G. Holley State Hospital, and the private~~
 3364 ~~health care delivery system.~~

3365 Section 82. Effective January 1, 2013, subsection (4) of
 3366 section 392.61, Florida Statutes, is amended to read:

3367 392.61 Community tuberculosis control programs.—

3368 ~~(4) The department shall develop, by rule, a methodology~~
 3369 ~~for distributing funds appropriated for tuberculosis control~~
 3370 ~~programs. Criteria to be considered in this methodology include,~~
 3371 ~~but are not limited to, the basic infrastructure available for~~
 3372 ~~tuberculosis control, caseload requirements, laboratory support~~
 3373 ~~services needed, and epidemiologic factors.~~

3374 Section 83. Effective January 1, 2013, section 392.62,
 3375 Florida Statutes, is amended to read:

3376 392.62 Hospitalization and placement programs.—

3377 (1) The department shall contract for operation of ~~operate~~
 3378 a program for the treatment ~~hospitalization~~ of persons who have
 3379 active tuberculosis in hospitals licensed under chapter 395 and
 3380 may provide for appropriate placement of persons who have active
 3381 tuberculosis in other health care facilities or residential
 3382 facilities. The department shall require the contractor to use
 3383 existing licensed community hospitals and other facilities for
 3384 the care and treatment to cure of persons who have active
 3385 tuberculosis or a history of noncompliance with prescribed drug
 3386 regimens and require inpatient or other residential services.

3387 ~~(2) The department may operate a licensed hospital for the~~
 3388 ~~care and treatment to cure of persons who have active~~

ENROLLED

CS/CS/CS/HB 1263, Engrossed 3

2012 Legislature

3389 ~~tuberculosis. The hospital may have a forensic unit where, under~~
 3390 ~~medical protocol, a patient can be held in a secure or~~
 3391 ~~protective setting. The department shall also seek to maximize~~
 3392 ~~use of existing licensed community hospitals for the care and~~
 3393 ~~treatment to cure of persons who have active tuberculosis.~~

3394 (2) (3) The program for control of tuberculosis shall
 3395 provide funding for participating facilities and require any
 3396 such facilities to meet the following conditions ~~Any licensed~~
 3397 ~~hospital operated by the department, any licensed hospital under~~
 3398 ~~contract with the department, and any other health care facility~~
 3399 ~~or residential facility operated by or under contract with the~~
 3400 ~~department for the care and treatment of patients who have~~
 3401 ~~active tuberculosis shall:~~

3402 (a) Admit patients voluntarily and under court order as
 3403 appropriate for each particular facility;

3404 (b) Require that each patient pay the actual cost of care
 3405 provided whether the patient is admitted voluntarily or by court
 3406 order;

3407 (c) Provide for ~~a method of paying for~~ the care of
 3408 patients in the program regardless of ability to pay ~~who cannot~~
 3409 ~~afford to do so;~~

3410 (d) Require a primary clinical diagnosis of active
 3411 tuberculosis by a physician licensed under chapter 458 or
 3412 chapter 459 before admitting the patient; provided that there
 3413 may be more than one primary diagnosis;

3414 (e) Provide a method of notification to the county health
 3415 department and to the patient's family, if any, before
 3416 discharging the patient from the hospital or other facility;

ENROLLED

CS/CS/CS/HB 1263, Engrossed 3

2012 Legislature

3417 (f) Provide for the necessary exchange of medical
 3418 information to assure adequate community treatment to cure and
 3419 followup of discharged patients, as appropriate; and

3420 (g) Provide for a method of medical care and counseling
 3421 and for housing, social service, and employment referrals, if
 3422 appropriate, for ~~all~~ patients discharged from the hospital.

3423 (3)~~(4)~~ A hospital may, pursuant to court order, place a
 3424 patient in temporary isolation for a period of no more than 72
 3425 continuous hours. The department shall obtain a court order in
 3426 the same manner as prescribed in s. 392.57. Nothing in this
 3427 subsection precludes a hospital from isolating an infectious
 3428 patient for medical reasons.

3429 (4)~~(5)~~ Any person committed under s. 392.57 who leaves the
 3430 tuberculosis hospital or residential facility without having
 3431 been discharged by the designated medical authority, except as
 3432 provided in s. 392.63, shall be apprehended by the sheriff of
 3433 the county in which the person is found and immediately
 3434 delivered to the facility from which he or she left.

3435 Section 84. Subsection (1) of section 395.1027, Florida
 3436 Statutes, is amended to read:

3437 395.1027 Regional poison control centers.—

3438 (1) There shall be created three certified regional poison
 3439 control centers, one each in the north, central, and southern
 3440 regions of the state. Each regional poison control center shall
 3441 be affiliated with and physically located in a certified Level I
 3442 trauma center. Each regional poison control center shall be
 3443 affiliated with an accredited medical school or college of
 3444 pharmacy. The regional poison control centers shall be

ENROLLED

CS/CS/CS/HB 1263, Engrossed 3

2012 Legislature

3445 coordinated under the aegis of the Division of Children's
 3446 Medical Services ~~Prevention and Intervention~~ in the department.
 3447 Section 85. The Department of Health shall develop and
 3448 implement a transition plan for the closure of A.G. Holley State
 3449 Hospital. The plan shall include specific steps to end voluntary
 3450 admissions; transfer patients to alternate facilities;
 3451 communicate with families, providers, other affected parties,
 3452 and the general public; enter into any necessary contracts with
 3453 providers; and coordinate with the Department of Management
 3454 Services regarding the disposition of equipment and supplies and
 3455 the closure of the facility; and the Agency for Health Care
 3456 Administration is directed to modify its reimbursement plans and
 3457 seek federal approval, if necessary, to continue Medicaid
 3458 funding throughout the treatment period in community hospitals
 3459 and other facilities. The plan shall be submitted to the
 3460 Governor, the Speaker of the House of Representatives, and the
 3461 President of the Senate by May 31, 2012. The department shall
 3462 fully implement the plan by January 1, 2013.

3463 Section 86. Subsection (4) of section 401.243, Florida
 3464 Statutes, is amended to read:

3465 401.243 Injury prevention.—The department shall establish
 3466 an injury-prevention program with responsibility for the
 3467 statewide coordination and expansion of injury-prevention
 3468 activities. The duties of the department under the program may
 3469 include, but are not limited to, data collection, surveillance,
 3470 education, and the promotion of interventions. In addition, the
 3471 department may:

3472 ~~(4) Adopt rules governing the implementation of grant~~

ENROLLED

CS/CS/CS/HB 1263, Engrossed 3

2012 Legislature

3473 ~~programs. The rules may include, but need not be limited to,~~
 3474 ~~criteria regarding the application process, the selection of~~
 3475 ~~grantees, the implementation of injury-prevention activities,~~
 3476 ~~data collection, surveillance, education, and the promotion of~~
 3477 ~~interventions.~~

3478 Section 87. Subsection (6) of section 401.245, Florida
 3479 Statutes, is renumbered as subsection (5), and present
 3480 subsection (5) of that section is amended to read:

3481 401.245 Emergency Medical Services Advisory Council.—

3482 ~~(5) The department shall adopt rules to implement this~~
 3483 ~~section, which rules shall serve as formal operating procedures~~
 3484 ~~for the Emergency Medical Services Advisory Council.~~

3485 Section 88. Section 401.271, Florida Statutes, is amended
 3486 to read:

3487 401.271 Certification of emergency medical technicians and
 3488 paramedics who are on active duty with the Armed Forces of the
 3489 United States; spouses of members of the Armed Forces.—

3490 ~~(1)~~ Any member of the Armed Forces of the United States on
 3491 active duty who, at the time he or she became a member, was in
 3492 good standing with the department and was entitled to practice
 3493 as an emergency medical technician or paramedic in the state
 3494 remains in good standing without registering, paying dues or
 3495 fees, or performing any other act, as long as he or she is a
 3496 member of the Armed Forces of the United States on active duty
 3497 and for a period of 6 months after his or her discharge from
 3498 active duty as a member of the Armed Forces of the United
 3499 States.

3500 ~~(2) The department may adopt rules exempting the spouse of~~

ENROLLED

CS/CS/CS/HB 1263, Engrossed 3

2012 Legislature

3501 ~~a member of the Armed Forces of the United States on active duty~~
 3502 ~~from certification renewal provisions while the spouse is absent~~
 3503 ~~from the state because of the member's active duty with the~~
 3504 ~~Armed Forces.~~

3505 Section 89. Section 402.45, Florida Statutes is repealed.

3506 Section 90. Subsections (3) and (4) of section 403.863,
 3507 Florida Statutes, are amended to read:

3508 403.863 State public water supply laboratory certification
 3509 program.—

3510 (3) The Department of Health shall have the responsibility
 3511 for the operation and implementation of the state laboratory
 3512 certification program. The Department of Health shall contract
 3513 for the evaluation and review of laboratory certification
 3514 applications, and laboratory inspections. ~~except that,~~ Upon
 3515 completion of the evaluation and review of the laboratory
 3516 certification application, the evaluation shall be forwarded,
 3517 along with recommendations, to the department for review and
 3518 comment, prior to final approval or disapproval by the
 3519 Department of Health.

3520 (4) The following acts constitute grounds for which the
 3521 disciplinary actions specified in subsection (5) may be taken:

3522 (a) Making false statements on an application or on any
 3523 document associated with certification.

3524 (b) Making consistent errors in analyses or erroneous
 3525 reporting.

3526 (c) Permitting personnel who are not qualified, as
 3527 required by rules of the Department of Health, to perform
 3528 analyses.

ENROLLED

CS/CS/CS/HB 1263, Engrossed 3

2012 Legislature

- 3529 (d) Falsifying the results of analyses.
- 3530 (e) Failing to employ approved laboratory methods in
- 3531 performing analyses as outlined in rules of the Department of
- 3532 Health.
- 3533 (f) Failing to properly maintain facilities and equipment
- 3534 according to the laboratory's quality assurance plan.
- 3535 (g) Failing to report analytical test results or maintain
- 3536 required records of test results as outlined in rules of the
- 3537 Department of Health.
- 3538 (h) Failing to participate successfully in a performance
- 3539 evaluation program approved by the Department of Health.
- 3540 (i) Violating any provision of this section or of the
- 3541 rules adopted under this section.
- 3542 (j) Falsely advertising services or credentials.
- 3543 (k) Failing to pay fees for initial certification or
- 3544 renewal certification or to pay inspection expenses incurred ~~by~~
- 3545 ~~the Department of Health.~~
- 3546 (l) Failing to report any change of an item included in
- 3547 the initial or renewal certification application.
- 3548 (m) Refusing to allow representatives of the department or
- 3549 the Department of Health to inspect a laboratory and its records
- 3550 during normal business hours.
- 3551 Section 91. Subsection (1) of section 400.914, Florida
- 3552 Statutes, is amended to read:
- 3553 400.914 Rules establishing standards.—
- 3554 (1) Pursuant to the intention of the Legislature to
- 3555 provide safe and sanitary facilities and healthful programs, the
- 3556 agency in conjunction with the Division of Children's Medical

ENROLLED

CS/CS/CS/HB 1263, Engrossed 3

2012 Legislature

3557 | ~~Services Prevention and Intervention~~ of the Department of Health
 3558 | shall adopt and publish rules to implement the provisions of
 3559 | this part and part II of chapter 408, which shall include
 3560 | reasonable and fair standards. Any conflict between these
 3561 | standards and those that may be set forth in local, county, or
 3562 | city ordinances shall be resolved in favor of those having
 3563 | statewide effect. Such standards shall relate to:

3564 | (a) The assurance that PPEC services are family centered
 3565 | and provide individualized medical, developmental, and family
 3566 | training services.

3567 | (b) The maintenance of PPEC centers, not in conflict with
 3568 | the provisions of chapter 553 and based upon the size of the
 3569 | structure and number of children, relating to plumbing, heating,
 3570 | lighting, ventilation, and other building conditions, including
 3571 | adequate space, which will ensure the health, safety, comfort,
 3572 | and protection from fire of the children served.

3573 | (c) The appropriate provisions of the most recent edition
 3574 | of the "Life Safety Code" (NFPA-101) shall be applied.

3575 | (d) The number and qualifications of all personnel who
 3576 | have responsibility for the care of the children served.

3577 | (e) All sanitary conditions within the PPEC center and its
 3578 | surroundings, including water supply, sewage disposal, food
 3579 | handling, and general hygiene, and maintenance thereof, which
 3580 | will ensure the health and comfort of children served.

3581 | (f) Programs and basic services promoting and maintaining
 3582 | the health and development of the children served and meeting
 3583 | the training needs of the children's legal guardians.

3584 | (g) Supportive, contracted, other operational, and

ENROLLED

CS/CS/CS/HB 1263, Engrossed 3

2012 Legislature

3585 transportation services.

3586 (h) Maintenance of appropriate medical records, data, and
 3587 information relative to the children and programs. Such records
 3588 shall be maintained in the facility for inspection by the
 3589 agency.

3590 Section 92. Paragraph (f) of subsection (8) of section
 3591 411.203, Florida Statutes, is amended to read:

3592 411.203 Continuum of comprehensive services.—The
 3593 Department of Education and the Department of Health ~~and~~
 3594 ~~Rehabilitative Services~~ shall utilize the continuum of
 3595 prevention and early assistance services for high-risk pregnant
 3596 women and for high-risk and handicapped children and their
 3597 families, as outlined in this section, as a basis for the
 3598 intraagency and interagency program coordination, monitoring,
 3599 and analysis required in this chapter. The continuum shall be
 3600 the guide for the comprehensive statewide approach for services
 3601 for high-risk pregnant women and for high-risk and handicapped
 3602 children and their families, and may be expanded or reduced as
 3603 necessary for the enhancement of those services. Expansion or
 3604 reduction of the continuum shall be determined by intraagency or
 3605 interagency findings and agreement, whichever is applicable.
 3606 Implementation of the continuum shall be based upon applicable
 3607 eligibility criteria, availability of resources, and interagency
 3608 prioritization when programs impact both agencies, or upon
 3609 single agency prioritization when programs impact only one
 3610 agency. The continuum shall include, but not be limited to:

3611 (8) SUPPORT SERVICES FOR ALL EXPECTANT PARENTS AND PARENTS
 3612 OF HIGH-RISK CHILDREN.—

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CS/CS/CS/HB 1263, Engrossed 3

2012 Legislature

3613 (f) Parent support groups, such as ~~the community resource~~
 3614 ~~mother or father program as established in s. 402.45,~~ or parents
 3615 as first teachers, to strengthen families and to enable families
 3616 of high-risk children to better meet their needs.

3617 Section 93. Paragraph (d) of subsection (11) of section
 3618 409.256, Florida Statutes, is amended to read:

3619 409.256 Administrative proceeding to establish paternity
 3620 or paternity and child support; order to appear for genetic
 3621 testing.—

3622 (11) FINAL ORDER ESTABLISHING PATERNITY OR PATERNITY AND
 3623 CHILD SUPPORT; CONSENT ORDER; NOTICE TO OFFICE OF VITAL
 3624 STATISTICS.—

3625 (d) Upon rendering a final order of paternity or a final
 3626 order of paternity and child support, the department shall
 3627 notify the Office ~~Division~~ of Vital Statistics of the Department
 3628 of Health that the paternity of the child has been established.

3629 Section 94. Effective January 3, 2013, subsection (3) of
 3630 section 458.309, Florida Statutes, is amended to read:

3631 458.309 Rulemaking authority.—

3632 (3) A physician ~~All physicians~~ who performs liposuction
 3633 procedures in which more than 1,000 cubic centimeters of
 3634 supernatant fat is removed, ~~perform~~ level 2 procedures lasting
 3635 more than 5 minutes, and all level 3 surgical procedures in an
 3636 office setting must register the office with the department
 3637 unless that office is licensed as a facility under ~~pursuant to~~
 3638 chapter 395. The department shall inspect the physician's office
 3639 annually unless the office is accredited by a nationally
 3640 recognized accrediting agency or an accrediting organization

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CS/CS/CS/HB 1263, Engrossed 3

2012 Legislature

3641 subsequently approved by the Board of Medicine. The actual costs
 3642 for registration and inspection or accreditation shall be paid
 3643 by the person seeking to register and operate the office setting
 3644 in which office surgery is performed.

3645 Section 95. Effective January 3, 2013, subsection (2) of
 3646 section 459.005, Florida Statutes, is amended to read:

3647 459.005 Rulemaking authority.—

3648 (2) A physician ~~All physicians~~ who performs liposuction
 3649 procedures in which more than 1,000 cubic centimeters of
 3650 supernatant fat is removed, ~~perform~~ level 2 procedures lasting
 3651 more than 5 minutes, and all level 3 surgical procedures in an
 3652 office setting must register the office with the department
 3653 unless that office is licensed as a facility under ~~pursuant to~~
 3654 chapter 395. The department shall inspect the physician's office
 3655 annually unless the office is accredited by a nationally
 3656 recognized accrediting agency or an accrediting organization
 3657 subsequently approved by the Board of Osteopathic Medicine. The
 3658 actual costs for registration and inspection or accreditation
 3659 shall be paid by the person seeking to register and operate the
 3660 office setting in which office surgery is performed.

3661 Section 96. Section 458.346, Florida Statutes, is
 3662 repealed.

3663 Section 97. Subsection (3) of section 462.19, Florida
 3664 Statutes, is renumbered as subsection (2), and present
 3665 subsection (2) of that section is amended to read:

3666 462.19 Renewal of license; inactive status.—

3667 ~~(2) The department shall adopt rules establishing a~~
 3668 ~~procedure for the biennial renewal of licenses.~~

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CS/CS/CS/HB 1263, Engrossed 3

2012 Legislature

3669 Section 98. Subsection (6) of section 464.019, Florida
 3670 Statutes, is amended to read:
 3671 464.019 Approval of nursing education programs.—
 3672 (6) ACCOUNTABILITY.—
 3673 (a)1. An approved program must achieve a graduate passage
 3674 rate that is not lower than 10 percentage points less than the
 3675 average passage rate for graduates of comparable degree programs
 3676 who are United States educated first-time test takers on the
 3677 National Council of State Boards of Nursing Licensing
 3678 Examination during a calendar year, as calculated by the
 3679 contract testing service of the National Council of State Boards
 3680 of Nursing. For purposes of this subparagraph, an approved
 3681 program is comparable to all degree programs of the same program
 3682 type from among the following program types:
 3683 a. Professional nursing education programs that terminate
 3684 in a bachelor's degree.
 3685 b. Professional nursing education programs that terminate
 3686 in an associate degree.
 3687 c. Professional nursing education programs that terminate
 3688 in a diploma.
 3689 d. Practical nursing education programs.
 3690 2. Beginning with graduate passage rates for calendar year
 3691 2010, if an approved program's graduate passage rates do not
 3692 equal or exceed the required passage rates for 2 consecutive
 3693 calendar years, the board shall place the program on
 3694 probationary status pursuant to chapter 120 and the program
 3695 director must appear before the board to present a plan for
 3696 remediation. The program shall remain on probationary status

ENROLLED

CS/CS/CS/HB 1263, Engrossed 3

2012 Legislature

3697 until it achieves a graduate passage rate that equals or exceeds
3698 the required passage rate for any 1 calendar year. The board
3699 shall deny a program application for a new prelicensure nursing
3700 education program submitted by an educational institution if the
3701 institution has an existing program that is already on
3702 probationary status.

3703 3. Upon the program's achievement of a graduate passage
3704 rate that equals or exceeds the required passage rate, the
3705 board, at its next regularly scheduled meeting following release
3706 of the program's graduate passage rate by the National Council
3707 of State Boards of Nursing, shall remove the program's
3708 probationary status. However, if the program, during the 2
3709 calendar years following its placement on probationary status,
3710 does not achieve the required passage rate for any 1 calendar
3711 year, the board shall terminate the program pursuant to chapter
3712 120.

3713 (b) If an approved program fails to submit the annual
3714 report required in subsection (4), the board shall notify the
3715 program director and president or chief executive officer of the
3716 educational institution in writing within 15 days after the due
3717 date of the annual report. The program director must appear
3718 before the board at the board's next regularly scheduled meeting
3719 to explain the reason for the delay. The board shall terminate
3720 the program pursuant to chapter 120 if it does not submit the
3721 annual report within 6 months after the due date.

3722 (c) An approved program on probationary status shall
3723 disclose its probationary status in writing to the program's
3724 students and applicants.

ENROLLED

CS/CS/CS/HB 1263, Engrossed 3

2012 Legislature

3725 Section 99. Section 464.0197, Florida Statutes, is
 3726 repealed.

3727 Section 100. Subsection (1) of section 464.203, Florida
 3728 Statutes, is amended to read:

3729 464.203 Certified nursing assistants; certification
 3730 requirement.—

3731 (1) The board shall issue a certificate to practice as a
 3732 certified nursing assistant to any person who demonstrates a
 3733 minimum competency to read and write and successfully passes the
 3734 required background screening pursuant to s. 400.215 and meets
 3735 one of the following requirements:

3736 (a) Has successfully completed an approved training
 3737 program and achieved a minimum score, established by rule of the
 3738 board, on the nursing assistant competency examination, which
 3739 consists of a written portion and skills-demonstration portion
 3740 approved by the board and administered at a site and by
 3741 personnel approved by the department.

3742 (b) Has achieved a minimum score, established by rule of
 3743 the board, on the nursing assistant competency examination,
 3744 which consists of a written portion and skills-demonstration
 3745 portion, approved by the board and administered at a site and by
 3746 personnel approved by the department and:

- 3747 1. Has a high school diploma, or its equivalent; or
- 3748 2. Is at least 18 years of age.

3749 (c) Is currently certified in another state; is listed on
 3750 that state's certified nursing assistant registry; and has not
 3751 been found to have committed abuse, neglect, or exploitation in
 3752 that state.

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CS/CS/CS/HB 1263, Engrossed 3

2012 Legislature

3753 (d) Has completed the curriculum developed under the
 3754 Enterprise Florida Jobs and Education Partnership Grant ~~by the~~
 3755 ~~Department of Education~~ and achieved a minimum score,
 3756 established by rule of the board, on the nursing assistant
 3757 competency examination, which consists of a written portion and
 3758 skills-demonstration portion, approved by the board and
 3759 administered at a site and by personnel approved by the
 3760 department.

3761 Section 101. Subsection (4) of section 464.208, Florida
 3762 Statutes, is amended to read:

3763 464.208 Background screening information; rulemaking
 3764 authority.—

3765 ~~(4) The board shall adopt rules to administer this part.~~

3766 Section 102. Section 466.00775, Florida Statutes, is
 3767 repealed.

3768 Section 103. Subsection (4) of section 514.011, Florida
 3769 Statutes, is amended to read:

3770 514.011 Definitions.—As used in this chapter:

3771 (4) "Public bathing place" means a body of water, natural
 3772 or modified by humans, for swimming, diving, and recreational
 3773 bathing, ~~together with adjacent shoreline or land area,~~
 3774 ~~buildings, equipment, and appurtenances pertaining thereto,~~ used
 3775 by consent of the owner or owners and held out to the public by
 3776 any person or public body, irrespective of whether a fee is
 3777 charged for the use thereof. The bathing water areas of public
 3778 bathing places include, but are not limited to, lakes, ponds,
 3779 rivers, streams, artificial impoundments, and waters along the
 3780 coastal and intracoastal beaches and shores of the state.

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CS/CS/CS/HB 1263, Engrossed 3

2012 Legislature

3781 Section 104. Section 514.021, Florida Statutes, is amended
 3782 to read:

3783 514.021 Department authorization.—

3784 (1) The department may adopt and enforce rules, ~~which may~~
 3785 ~~include definitions of terms,~~ to protect the health, safety, or
 3786 welfare of persons by setting sanitation and safety standards
 3787 for using public swimming pools and public bathing places. The
 3788 department shall review and revise such rules as necessary, but
 3789 not less than biennially. Sanitation and safety standards shall
 3790 ~~include, but not be limited to,~~ matters relating to ~~structure;~~
 3791 ~~appurtenances; operation;~~ source of water supply;
 3792 microbiological ~~bacteriological~~, chemical, and physical quality
 3793 of water in the pool or bathing area; method of water
 3794 purification, treatment, and disinfection; lifesaving apparatus;
 3795 and measures to ensure safety of bathers; ~~and measures to ensure~~
 3796 ~~the personal cleanliness of bathers.~~

3797 (2) The department may not establish by rule any
 3798 regulation governing the design, alteration, modification, or
 3799 repair of public swimming pools and bathing places which has no
 3800 impact on sanitation and safety ~~the health, safety, and welfare~~
 3801 of persons using public swimming pools and bathing places.
 3802 Further, the department may not adopt by rule any regulation
 3803 governing the construction, erection, or demolition of public
 3804 swimming pools and bathing places. It is the intent of the
 3805 Legislature to preempt those functions to the Florida Building
 3806 Commission through adoption and maintenance of the Florida
 3807 Building Code. The department shall provide technical assistance
 3808 to the commission in updating the construction standards of the

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CS/CS/CS/HB 1263, Engrossed 3

2012 Legislature

3809 Florida Building Code which govern public swimming pools ~~and~~
 3810 ~~bathing places. Further, the department is authorized to conduct~~
 3811 ~~plan reviews, to issue approvals, and to enforce the special-~~
 3812 ~~occupancy provisions of the Florida Building Code which apply to~~
 3813 ~~public swimming pools and bathing places in conducting any~~
 3814 ~~inspections authorized by this chapter.~~ This subsection does not
 3815 abrogate the authority of the department to adopt and enforce
 3816 appropriate sanitary regulations and requirements as authorized
 3817 in subsection (1).

3818 Section 105. Section 514.023, Florida Statutes, is amended
 3819 to read:

3820 514.023 Sampling of beach waters and public bathing
 3821 places; health advisories.-

3822 (1) As used in this section, the term "beach waters" means
 3823 the waters along the coastal and intracoastal beaches and shores
 3824 of the state, and includes salt water and brackish water.

3825 (2) The department may adopt and enforce rules to protect
 3826 the health, safety, and welfare of persons using the beach
 3827 waters and public bathing places of the state. The rules must
 3828 establish health standards and prescribe procedures and
 3829 timeframes for bacteriological sampling of beach waters and
 3830 public bathing places.

3831 (3) The department may issue health advisories if the
 3832 quality of beach waters or a public bathing place fails to meet
 3833 standards established by the department. The issuance of health
 3834 advisories related to the results of bacteriological sampling of
 3835 beach waters is preempted to the state.

3836 (4) When the department issues a health advisory against

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CS/CS/CS/HB 1263, Engrossed 3

2012 Legislature

3837 | swimming in beach waters or a public bathing place on the basis
 3838 | of finding elevated levels of fecal coliform, Escherichia coli,
 3839 | or enterococci bacteria in a water sample, the department shall
 3840 | concurrently notify the municipality or county in which the
 3841 | affected beach waters are located, whichever has jurisdiction,
 3842 | and the local office of the Department of Environmental
 3843 | Protection, of the advisory. The local office of the Department
 3844 | of Environmental Protection shall promptly investigate
 3845 | wastewater treatment facilities within 1 mile of the affected
 3846 | beach waters or public bathing place to determine if a facility
 3847 | experienced an incident that may have contributed to the
 3848 | contamination and provide the results of the investigation in
 3849 | writing or by electronic means to the municipality or county, as
 3850 | applicable.

3851 | ~~(5) Contingent upon legislative appropriation to the~~
 3852 | ~~department in the amount of \$600,000 nonrecurring, the~~
 3853 | ~~department will perform a 3-year study to determine the water~~
 3854 | ~~quality at beaches throughout the state. The study will be~~
 3855 | ~~performed in all counties that have public access saltwater and~~
 3856 | ~~brackish water beaches.~~

3857 | Section 106. Section 514.025, Florida Statutes, is amended
 3858 | to read:

3859 | 514.025 Assignment of authority to county health
 3860 | departments.—

3861 | (1) The department shall assign to county health
 3862 | departments that are staffed with qualified engineering
 3863 | personnel the functions of reviewing applications and plans for
 3864 | the construction, development, or modification of public

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CS/CS/CS/HB 1263, Engrossed 3

2012 Legislature

3865 swimming pools or bathing places; of conducting inspections ~~for~~
 3866 ~~and issuance of initial operating permits;~~ and of issuing all
 3867 permits. If the county health department determines that
 3868 qualified staff are not available ~~is not assigned the functions~~
 3869 ~~of application and plan review and the issuance of initial~~
 3870 ~~operating permits,~~ the department shall be responsible for such
 3871 functions. ~~The department shall make the determination~~
 3872 ~~concerning the qualifications of county health department~~
 3873 ~~personnel to perform these functions and may make and enforce~~
 3874 ~~such rules pertaining thereto as it shall deem proper.~~

3875 (2) ~~After the initial operating permit is issued, the~~
 3876 County health departments are responsible ~~shall assume full~~
 3877 ~~responsibility~~ for routine surveillance of water quality in all
 3878 public swimming pools and bathing places, including
 3879 ~~responsibility for a minimum of two routine inspections~~
 3880 ~~annually,~~ complaint investigations, enforcement procedures, and
 3881 ~~reissuance of operating permits, and renewal of operating~~
 3882 permits.

3883 (3) The department may assign the responsibilities and
 3884 functions specified in this section to any multicounty
 3885 independent special district created by the Legislature to
 3886 perform multiple functions, to include municipal services and
 3887 improvements, to the same extent and under the same conditions
 3888 as provided in subsections (1) and (2), upon request of the
 3889 special district.

3890 Section 107. Section 514.03, Florida Statutes, is amended
 3891 to read:

3892 514.03 ~~Construction plans~~ Approval necessary to construct,

ENROLLED

CS/CS/CS/HB 1263, Engrossed 3

2012 Legislature

3893 develop, or modify public swimming pools or public bathing
 3894 places. ~~It is unlawful for any person or public body to~~
 3895 ~~construct, develop, or modify any public swimming pool or~~
 3896 ~~bathing place, other than coastal or intracoastal beaches,~~
 3897 ~~without a valid construction plans approval from the department.~~
 3898 ~~This section does not preempt the authority of Local governments~~
 3899 ~~or local enforcement districts may determine to conduct plan~~
 3900 ~~reviews and inspections of public swimming pools and bathing~~
 3901 ~~places for compliance with the general construction standards of~~
 3902 ~~the Florida Building Code, pursuant to s. 553.80. Local~~
 3903 ~~governments or local enforcement districts may conduct plan~~
 3904 ~~reviews and inspections of public swimming pools and public~~
 3905 ~~bathing places for this purpose.~~

3906 ~~(1) Any person or public body desiring to construct,~~
 3907 ~~develop, or modify any public swimming pool or bathing place~~
 3908 ~~shall file an application for a construction plans approval with~~
 3909 ~~the department on application forms provided by the department~~
 3910 ~~and shall accompany such application with:~~

3911 ~~(a) Engineering drawings, specifications, descriptions,~~
 3912 ~~and detailed maps of the structure, its appurtenances, and its~~
 3913 ~~intended operation.~~

3914 ~~(b) A description of the source or sources of water supply~~
 3915 ~~and amount and quality of water available and intended to be~~
 3916 ~~used.~~

3917 ~~(c) A description of the method and manner of water~~
 3918 ~~purification, treatment, disinfection, and heating.~~

3919 ~~(d) Other applicable information deemed necessary by the~~
 3920 ~~department to fulfill the requirements of this chapter.~~

ENROLLED

CS/CS/CS/HB 1263, Engrossed 3

2012 Legislature

3921 ~~(2) If the proposed construction of, development of, or~~
 3922 ~~modification of a public swimming pool or bathing place meets~~
 3923 ~~standards of public health and safety as defined in this chapter~~
 3924 ~~and rules adopted hereunder, the department shall grant the~~
 3925 ~~application for the construction plans approval within 30 days~~
 3926 ~~after receipt of a complete submittal. If engineering plans~~
 3927 ~~submitted are in substantial compliance with the standards~~
 3928 ~~mentioned, the department may approve the plans with~~
 3929 ~~provisions for corrective action to be completed prior to~~
 3930 ~~issuance of the operating permit.~~

3931 ~~(3) If the proposed construction, development, or~~
 3932 ~~modification of a public swimming pool or bathing place fails to~~
 3933 ~~meet standards of public health and safety as defined in this~~
 3934 ~~chapter and rules adopted hereunder, the department shall deny~~
 3935 ~~the application for construction plans approval pursuant to the~~
 3936 ~~provisions of chapter 120. Such denial shall be issued in~~
 3937 ~~writing within 30 days and shall list the circumstances for~~
 3938 ~~denial. Upon correction of such circumstances, an applicant~~
 3939 ~~previously denied permission to construct, develop, or modify a~~
 3940 ~~public swimming pool or bathing place may reapply for~~
 3941 ~~construction plans approval.~~

3942 ~~(4) An approval of construction plans issued by the~~
 3943 ~~department under this section becomes void 1 year after the date~~
 3944 ~~the approval was issued if the construction is not commenced~~
 3945 ~~within 1 year after the date of issuance.~~

3946 Section 108. Section 514.031, Florida Statutes, is amended
 3947 to read:

3948 514.031 Permit necessary to operate public swimming pool

ENROLLED

CS/CS/CS/HB 1263, Engrossed 3

2012 Legislature

3949 ~~or bathing place.~~

3950 (1) It is unlawful for any person or public body to
 3951 operate or continue to operate any public swimming pool ~~or~~
 3952 ~~bathing place~~ without a valid permit from the department, such
 3953 permit to be obtained in the following manner:

3954 (a) Any person or public body desiring to operate any
 3955 public swimming pool ~~or bathing place~~ shall file an application
 3956 for a permit with the department, on application forms provided
 3957 by the department, and shall accompany such application with:

3958 ~~1. Descriptions of the structure, its appurtenances, and~~
 3959 ~~its operation.~~

3960 1.2. Description of the source or sources of water supply,
 3961 and the amount and quality of water available and intended to be
 3962 used.

3963 2.3. Method and manner of water purification, treatment,
 3964 disinfection, and heating.

3965 3.4. Safety equipment and standards to be used.

3966 ~~5. Measures to ensure personal cleanliness of bathers.~~

3967 4.6. Any other pertinent information deemed necessary by
 3968 the department ~~to fulfill the requirements of this chapter.~~

3969 (b) If the department determines that the public swimming
 3970 pool ~~or bathing place~~ is or may reasonably be expected to be
 3971 operated in compliance with this chapter and the rules adopted
 3972 hereunder, the department shall grant the application for
 3973 permit.

3974 (c) If the department determines that the public swimming
 3975 pool ~~or bathing place~~ does not meet the provisions outlined in
 3976 this chapter or the rules adopted hereunder, the department

ENROLLED

CS/CS/CS/HB 1263, Engrossed 3

2012 Legislature

3977 shall deny the application for a permit pursuant to the
 3978 provisions of chapter 120. Such denial shall be in writing and
 3979 shall list the circumstances for the denial. Upon correction of
 3980 such circumstances, an applicant previously denied permission to
 3981 operate a public swimming pool or bathing place may reapply for
 3982 a permit.

3983 (2) Operating permits shall not be required for coastal or
 3984 intracoastal beaches.

3985 (3) Operating permits may be transferred ~~shall not be~~
 3986 ~~transferable~~ from one name or owner to another. When the
 3987 ownership or name of an existing public swimming pool ~~or bathing~~
 3988 ~~place~~ is changed and such establishment is operating at the time
 3989 of the change with a valid permit from the department, the new
 3990 owner of the establishment shall apply to the department, upon
 3991 forms provided by the department, within 30 days after such a
 3992 change, ~~for a reissuance of the existing permit.~~

3993 (4) Each such operating permit shall be renewed annually
 3994 and the permit must be posted in a conspicuous place.

3995 (5) An owner or operator of a public swimming pool,
 3996 including, but not limited to, a spa, wading, or special purpose
 3997 pool, to which admittance is obtained by membership for a fee
 3998 shall post in a prominent location within the facility the most
 3999 recent pool inspection report issued by the department
 4000 pertaining to the health and safety conditions of such facility.
 4001 The report shall be legible and readily accessible to members or
 4002 potential members. The department shall adopt rules to enforce
 4003 this subsection. A portable pool may not be used as a public
 4004 pool.

ENROLLED

CS/CS/CS/HB 1263, Engrossed 3

2012 Legislature

4005 Section 109. Section 514.033, Florida Statutes, is amended
 4006 to read:

4007 514.033 Creation of fee schedules authorized.—

4008 (1) The department is authorized to establish a schedule
 4009 of fees to be charged by the department or by any authorized
 4010 county health department as detailed in s. 514.025 ~~for the~~
 4011 ~~review of applications and plans to construct, develop, or~~
 4012 ~~modify a public swimming pool or bathing place, for the issuance~~
 4013 ~~of permits to operate such establishments, and for the review of~~
 4014 ~~variance applications for public swimming pools and bathing~~
 4015 ~~places.~~ Fees assessed under this chapter shall be in an amount
 4016 sufficient to meet the cost of carrying out the provisions of
 4017 this chapter.

4018 (2) The fee schedule shall be: for original construction
 4019 or development plan approval, not less than \$275 and not more
 4020 than \$500; for modification of original construction, not less
 4021 than \$100 and not more than \$150; for an initial operating
 4022 permit, not less than \$125 and not more than \$250; and for
 4023 review of variance applications, not less than \$240 and not more
 4024 than \$400. The department shall assess the minimum fees provided
 4025 in this subsection until a fee schedule is promulgated by rule
 4026 of the department.

4027 (3) Fees shall be ~~Any person or public body operating a~~
 4028 ~~public swimming pool or bathing place shall pay to the~~
 4029 ~~department an annual operating permit fee based on pool or~~
 4030 ~~bathing place~~ aggregate gallonage, which shall be: up to and
 4031 including 25,000 gallons, not less than \$75 and not more than
 4032 \$125; and in excess of 25,000 gallons, not less than \$160 and

ENROLLED

CS/CS/CS/HB 1263, Engrossed 3

2012 Legislature

4033 not more than \$265, except for a pool inspected pursuant to s.
 4034 514.0115(2) (b) for which the annual fee shall be \$50.

4035 (4) Fees collected by the department in accordance with
 4036 this chapter shall be deposited into the Grants and Donations
 4037 Trust Fund or ~~Public Swimming Pool and Bathing Place Trust Fund~~
 4038 ~~for the payment of costs incurred in the administration of this~~
 4039 ~~chapter. Fees collected by county health departments performing~~
 4040 ~~functions pursuant to s. 514.025 shall be deposited into the~~
 4041 County Health Department Trust Fund. Any fee collected under
 4042 this chapter is nonrefundable.

4043 (5) The department may not charge any fees for services
 4044 provided under this chapter other than those fees authorized in
 4045 this section. However, the department shall prorate the initial
 4046 annual fee for an operating permit on a half-year basis.

4047 Section 110. Subsections (4) and (5) of section 514.05,
 4048 Florida Statutes, are amended to read:

4049 514.05 Denial, suspension, or revocation of permit;
 4050 administrative fines.—

4051 (4) All amounts collected pursuant to this section shall
 4052 be deposited into the Grants and Donations Trust Fund ~~Public~~
 4053 ~~Swimming Pool and Bathing Place Trust Fund~~ or into the County
 4054 Health Department Trust Fund, whichever is applicable.

4055 (5) Under conditions specified by rule, the department may
 4056 close a public pool that is not in compliance with this chapter
 4057 or the rules adopted under this chapter.

4058 Section 111. Section 514.06, Florida Statutes, is amended
 4059 to read:

4060 514.06 Injunction to restrain violations.—Any public

ENROLLED

CS/CS/CS/HB 1263, Engrossed 3

2012 Legislature

4061 swimming pool or public bathing place presenting a significant
 4062 risk to public health by failing to meet sanitation and safety
 4063 standards established pursuant to ~~constructed, developed,~~
 4064 ~~operated, or maintained contrary to the provisions of this~~
 4065 chapter is declared to be a public nuisance, dangerous to health
 4066 or safety. Such nuisances may be abated or enjoined in an action
 4067 brought by the county health department or the department.

4068 Section 112. Subsections (1) and (2) of section 633.115,
 4069 Florida Statutes, are amended to read:

4070 633.115 Fire and Emergency Incident Information Reporting
 4071 Program; duties; fire reports.—

4072 (1) (a) The Fire and Emergency Incident Information
 4073 Reporting Program is created within the Division of State Fire
 4074 Marshal. The program shall:

4075 1. Establish and maintain an electronic communication
 4076 system capable of transmitting fire and emergency incident
 4077 information to and between fire protection agencies.

4078 2. Initiate a Fire and Emergency Incident Information
 4079 Reporting System that shall be responsible for:

4080 a. Receiving fire and emergency incident information from
 4081 fire protection agencies.

4082 b. Preparing and disseminating annual reports to the
 4083 Governor, the President of the Senate, the Speaker of the House
 4084 of Representatives, fire protection agencies, and, upon request,
 4085 the public. Each report shall include, but not be limited to,
 4086 the information listed in the National Fire Incident Reporting
 4087 System.

4088 c. Upon request, providing other states and federal

ENROLLED

CS/CS/CS/HB 1263, Engrossed 3

2012 Legislature

4089 agencies with fire and emergency incident data of this state.

4090 3. Adopt rules to effectively and efficiently implement,
 4091 administer, manage, maintain, and use the Fire and Emergency
 4092 Incident Information Reporting Program. The rules shall be
 4093 considered minimum requirements and shall not preclude a fire
 4094 protection agency from implementing its own requirements which
 4095 shall not conflict with the rules of the Division of State Fire
 4096 Marshal.

4097 4. By rule, establish procedures and a format for each
 4098 fire protection agency to voluntarily monitor its records and
 4099 submit reports to the program.

4100 5. Establish an electronic information database which is
 4101 accessible and searchable by fire protection agencies.

4102 (b) The Division of State Fire Marshal shall consult with
 4103 the Division of Forestry of the Department of Agriculture and
 4104 Consumer Services and the State Surgeon General ~~Bureau of~~
 4105 ~~Emergency Medical Services~~ of the Department of Health to
 4106 coordinate data, ensure accuracy of the data, and limit
 4107 duplication of efforts in data collection, analysis, and
 4108 reporting.

4109 (2) The Fire and Emergency Incident Information System
 4110 Technical Advisory Panel is created within the Division of State
 4111 Fire Marshal. The panel shall advise, review, and recommend to
 4112 the State Fire Marshal with respect to the requirements of this
 4113 section. The membership of the panel shall consist of the
 4114 following 15 members:

4115 (a) The current 13 members of the Firefighters Employment,
 4116 Standards, and Training Council as established in s. 633.31.

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CS/CS/CS/HB 1263, Engrossed 3

2012 Legislature

4117 (b) One member from the Division of Forestry of the
 4118 Department of Agriculture and Consumer Services, appointed by
 4119 the division director.

4120 (c) One member from ~~the Bureau of Emergency Medical~~
 4121 ~~Services~~ of the Department of Health, appointed by the State
 4122 Surgeon General ~~bureau chief~~.

4123 Section 113. Subsections (4), (5), (6), (8), (9), (10),
 4124 (11), and (12) of section 1009.66, Florida Statutes, are amended
 4125 to read:

4126 1009.66 Nursing Student Loan Forgiveness Program.—

4127 (4) From the funds available, the Department of Education
 4128 ~~Health~~ may make loan principal repayments of up to \$4,000 a year
 4129 for up to 4 years on behalf of selected graduates of an
 4130 accredited or approved nursing program. All repayments shall be
 4131 contingent upon continued proof of employment in the designated
 4132 facilities in this state and shall be made directly to the
 4133 holder of the loan. The state shall bear no responsibility for
 4134 the collection of any interest charges or other remaining
 4135 balance. In the event that the designated facilities are
 4136 changed, a nurse shall continue to be eligible for loan
 4137 forgiveness as long as he or she continues to work in the
 4138 facility for which the original loan repayment was made and
 4139 otherwise meets all conditions of eligibility.

4140 (5) There is created the Nursing Student Loan Forgiveness
 4141 Trust Fund to be administered by the Department of Education
 4142 ~~Health~~ pursuant to this section and s. 1009.67 and department
 4143 rules. The Chief Financial Officer shall authorize expenditures
 4144 from the trust fund upon receipt of vouchers approved by the

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CS/CS/CS/HB 1263, Engrossed 3

2012 Legislature

4145 Department of Education ~~Health~~. All moneys collected from the
 4146 private health care industry and other private sources for the
 4147 purposes of this section shall be deposited into the Nursing
 4148 Student Loan Forgiveness Trust Fund. Any balance in the trust
 4149 fund at the end of any fiscal year shall remain therein and
 4150 shall be available for carrying out the purposes of this section
 4151 and s. 1009.67.

4152 (6) In addition to licensing fees imposed under part I of
 4153 chapter 464, there is hereby levied and imposed an additional
 4154 fee of \$5, which fee shall be paid upon licensure or renewal of
 4155 nursing licensure. Revenues collected from the fee imposed in
 4156 this subsection shall be deposited in the Nursing Student Loan
 4157 Forgiveness Trust Fund of the Department of Education ~~Health~~ and
 4158 will be used solely for the purpose of carrying out the
 4159 provisions of this section and s. 1009.67. Up to 50 percent of
 4160 the revenues appropriated to implement this subsection may be
 4161 used for the nursing scholarship program established pursuant to
 4162 s. 1009.67.

4163 ~~(8) The Department of Health may solicit technical~~
 4164 ~~assistance relating to the conduct of this program from the~~
 4165 ~~Department of Education.~~

4166 (8)~~(9)~~ The Department of Education ~~Health~~ is authorized to
 4167 recover from the Nursing Student Loan Forgiveness Trust Fund its
 4168 costs for administering the Nursing Student Loan Forgiveness
 4169 Program.

4170 (9)~~(10)~~ The Department of Education ~~Health~~ may adopt rules
 4171 necessary to administer this program.

4172 (10)~~(11)~~ This section shall be implemented only as

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CS/CS/CS/HB 1263, Engrossed 3

2012 Legislature

4173 specifically funded.

4174 (11)~~(12)~~ Students receiving a nursing scholarship pursuant
 4175 to s. 1009.67 are not eligible to participate in the Nursing
 4176 Student Loan Forgiveness Program.

4177 Section 114. Section 1009.67, Florida Statutes, is amended
 4178 to read:

4179 1009.67 Nursing scholarship program.—

4180 (1) There is established within the Department of
 4181 Education ~~Health~~ a scholarship program for the purpose of
 4182 attracting capable and promising students to the nursing
 4183 profession.

4184 (2) A scholarship applicant shall be enrolled in an
 4185 approved nursing program leading to the award of an associate
 4186 degree, a baccalaureate degree, or a graduate degree in nursing.

4187 (3) A scholarship may be awarded for no more than 2 years,
 4188 in an amount not to exceed \$8,000 per year. However, registered
 4189 nurses pursuing a graduate degree for a faculty position or to
 4190 practice as an advanced registered nurse practitioner may
 4191 receive up to \$12,000 per year. These amounts shall be adjusted
 4192 by the amount of increase or decrease in the consumer price
 4193 index for urban consumers published by the United States
 4194 Department of Commerce.

4195 (4) Credit for repayment of a scholarship shall be as
 4196 follows:

4197 (a) For each full year of scholarship assistance, the
 4198 recipient agrees to work for 12 months in a faculty position in
 4199 a college of nursing or Florida College System institution
 4200 nursing program in this state or at a health care facility in a

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CS/CS/CS/HB 1263, Engrossed 3

2012 Legislature

4201 medically underserved area as designated ~~approved~~ by the
4202 Department of Health. Scholarship recipients who attend school
4203 on a part-time basis shall have their employment service
4204 obligation prorated in proportion to the amount of scholarship
4205 payments received.

4206 (b) Eligible health care facilities include nursing homes
4207 and hospitals in this state, state-operated medical or health
4208 care facilities, public schools, county health departments,
4209 federally sponsored community health centers, colleges of
4210 nursing in universities in this state, and Florida College
4211 System institution nursing programs in this state, family
4212 practice teaching hospitals as defined in s. 395.805, or
4213 specialty children's hospitals as described in s. 409.9119. The
4214 recipient shall be encouraged to complete the service obligation
4215 at a single employment site. If continuous employment at the
4216 same site is not feasible, the recipient may apply to the
4217 department for a transfer to another approved health care
4218 facility.

4219 (c) Any recipient who does not complete an appropriate
4220 program of studies, who does not become licensed, who does not
4221 accept employment as a nurse at an approved health care
4222 facility, or who does not complete 12 months of approved
4223 employment for each year of scholarship assistance received
4224 shall repay to the Department of Education ~~Health~~, on a schedule
4225 to be determined by the department, the entire amount of the
4226 scholarship plus 18 percent interest accruing from the date of
4227 the scholarship payment. Moneys repaid shall be deposited into
4228 the Nursing Student Loan Forgiveness Trust Fund established in

ENROLLED

CS/CS/CS/HB 1263, Engrossed 3

2012 Legislature

4229 s. 1009.66. However, the department may provide additional time
 4230 for repayment if the department finds that circumstances beyond
 4231 the control of the recipient caused or contributed to the
 4232 default.

4233 (5) Scholarship payments shall be transmitted to the
 4234 recipient upon receipt of documentation that the recipient is
 4235 enrolled in an approved nursing program. The Department of
 4236 Education ~~Health~~ shall develop a formula to prorate payments to
 4237 scholarship recipients so as not to exceed the maximum amount
 4238 per academic year.

4239 (6) The Department of Education ~~Health~~ shall adopt rules,
 4240 including rules to address extraordinary circumstances that may
 4241 cause a recipient to default on either the school enrollment or
 4242 employment contractual agreement, to implement this section.

4243 (7) The Department of Education ~~Health~~ may recover from
 4244 the Nursing Student Loan Forgiveness Trust Fund its costs for
 4245 administering the nursing scholarship program.

4246 Section 115. Department of Health; type two transfer.-

4247 (1) All powers, duties, functions, records, offices,
 4248 personnel, associated administrative support positions,
 4249 property, pending issues, existing contracts, administrative
 4250 authority, administrative rules, and unexpended balances of
 4251 appropriations, allocations, and other funds relating to the
 4252 Nursing Student Loan Forgiveness Program and the nursing
 4253 scholarship program in the Department of Health are transferred
 4254 by a type two transfer, as defined in s. 20.06(2), Florida
 4255 Statutes, to the Department of Education.

4256 (2) The Nursing Student Loan Forgiveness Trust Fund is

ENROLLED

CS/CS/CS/HB 1263, Engrossed 3

2012 Legislature

4257 transferred from the Department of Health to the Department of
 4258 Education.

4259 (3) Any binding contract or interagency agreement related
 4260 to the Nursing Student Loan Forgiveness Program existing before
 4261 July 1, 2012, between the Department of Health, or an entity or
 4262 agent of the agency, and any other agency, entity, or person
 4263 shall continue as a binding contract or agreement for the
 4264 remainder of the term of such contract or agreement on the
 4265 successor department, agency, or entity responsible for the
 4266 program, activity, or functions relative to the contract or
 4267 agreement.

4268 (4) Notwithstanding s. 216.292 and pursuant to s. 216.351,
 4269 Florida Statutes, upon approval by the Legislative Budget
 4270 Commission, the Executive Office of the Governor may transfer
 4271 funds and positions between agencies to implement this act.

4272 (5) The transfer of any program, activity, duty, or
 4273 function under this act includes the transfer of any records and
 4274 unexpended balances of appropriations, allocations, or other
 4275 funds related to such program, activity, duty, or function.
 4276 Unless otherwise provided, the successor organization to any
 4277 program, activity, duty, or function transferred under this act
 4278 shall become the custodian of any property of the organization
 4279 that was responsible for the program, activity, duty, or
 4280 function immediately before the transfer.

4281 Section 116. The Division of Medical Quality Assurance
 4282 shall develop a plan to improve the efficiency of its functions.
 4283 Specifically, the plan shall delineate methods to: reduce the
 4284 average length of time for a qualified applicant to receive

ENROLLED

CS/CS/CS/HB 1263, Engrossed 3

2012 Legislature

4285 initial and renewal licensure, certification, or registration,
 4286 by one-third; improve the agenda process for board meetings to
 4287 increase transparency, timeliness, and usefulness for board
 4288 decisionmaking; and improve the cost-effectiveness and
 4289 efficiency of the joint functions of the division and the
 4290 regulatory boards. In developing the plan, the division shall
 4291 identify and analyze best practices found within the division
 4292 and other state agencies with similar functions, options for
 4293 information technology improvements, options for contracting
 4294 with outside entities, and any other option the division deems
 4295 useful. The division shall consult with and solicit
 4296 recommendations from the regulatory boards in developing the
 4297 plan. The division shall submit the plan to the Governor, the
 4298 Speaker of the House of Representatives, and the President of
 4299 the Senate by November 1, 2012. All executive branch agencies
 4300 are instructed, and all other state agencies are requested, to
 4301 assist the division in accomplishing its purposes under this
 4302 section.

4303 Section 117. Paragraph (e) of subsection (2) of section
 4304 154.503, Florida Statutes, is amended to read:

4305 154.503 Primary Care for Children and Families Challenge
 4306 Grant Program; creation; administration.—

4307 (2) The department shall:

4308 (e) Coordinate with the primary care program developed
 4309 pursuant to s. 154.011, the Florida Healthy Kids Corporation
 4310 program created in s. 624.91, the school health services program
 4311 created in ss. 381.0056 and 381.0057, ~~the Healthy Communities,~~
 4312 ~~Healthy People Program created in s. 381.734,~~ and the volunteer

ENROLLED

CS/CS/CS/HB 1263, Engrossed 3

2012 Legislature

4313 health care provider program developed pursuant to s. 766.1115.
 4314 Section 118. Subsection (1), paragraph (c) of subsection
 4315 (3), and subsection (9) of section 381.0041, Florida Statutes,
 4316 are amended to read:

4317 381.0041 Donation and transfer of human tissue; testing
 4318 requirements.—

4319 (1) Every donation of blood, plasma, organs, skin, or
 4320 other human tissue for transfusion or transplantation to another
 4321 shall be tested prior to transfusion or other use for human
 4322 immunodeficiency virus infection and other communicable diseases
 4323 specified by rule of the Department of Health. Tests for the
 4324 human immunodeficiency virus infection shall be performed only
 4325 after obtaining written, informed consent from the potential
 4326 donor or the donor's legal representative. Such consent may be
 4327 given by a minor pursuant to s. 743.06. Obtaining consent shall
 4328 include a fair explanation of the procedures to be followed and
 4329 the meaning and use of the test results. Such explanation shall
 4330 include a description of the confidential nature of the test as
 4331 described in s. 381.004(2) ~~381.004(3)~~. If consent for testing is
 4332 not given, then the person shall not be accepted as a donor
 4333 except as otherwise provided in subsection (3).

4334 (3) No person shall collect any blood, organ, skin, or
 4335 other human tissue from one human being and hold it for, or
 4336 actually perform, any implantation, transplantation,
 4337 transfusion, grafting, or any other method of transfer to
 4338 another human being without first testing such tissue for the
 4339 human immunodeficiency virus and other communicable diseases
 4340 specified by rule of the Department of Health, or without

ENROLLED

CS/CS/CS/HB 1263, Engrossed 3

2012 Legislature

4341 performing another process approved by rule of the Department of
 4342 Health capable of killing the causative agent of those diseases
 4343 specified by rule. Such testing shall not be required:

4344 (c) When there is insufficient time to obtain the results
 4345 of a confirmatory test for any tissue or organ which is to be
 4346 transplanted, notwithstanding the provisions of s. 381.004(2)(d)
 4347 ~~381.004(3)(d)~~. In such circumstances, the results of preliminary
 4348 screening tests may be released to the potential recipient's
 4349 treating physician for use in determining organ or tissue
 4350 suitability.

4351 (9) All blood banks shall be governed by the
 4352 confidentiality provisions of s. 381.004(2) ~~381.004(3)~~.

4353 Section 119. Paragraph (b) of subsection (3) of section
 4354 384.25, Florida Statutes, is amended to read:

4355 384.25 Reporting required.—

4356 (3) To ensure the confidentiality of persons infected with
 4357 the human immunodeficiency virus (HIV), reporting of HIV
 4358 infection and AIDS must be conducted using a system developed by
 4359 the Centers for Disease Control and Prevention of the United
 4360 States Public Health Service or an equivalent system.

4361 (b) The reporting may not affect or relate to anonymous
 4362 HIV testing programs conducted pursuant to s. 381.004(3)
 4363 ~~381.004(4)~~.

4364 Section 120. Subsection (5) of section 392.56, Florida
 4365 Statutes, is amended to read:

4366 392.56 Hospitalization, placement, and residential
 4367 isolation.—

4368 (5) If the department petitions the circuit court to order

ENROLLED

CS/CS/CS/HB 1263, Engrossed 3

2012 Legislature

4369 that a person who has active tuberculosis be hospitalized in a
 4370 facility operated under s. 392.62~~(2)~~, the department shall
 4371 notify the facility of the potential court order.

4372 Section 121. Subsection (2) of section 456.032, Florida
 4373 Statutes, is amended to read:

4374 456.032 Hepatitis B or HIV carriers.—

4375 (2) Any person licensed by the department and any other
 4376 person employed by a health care facility who contracts a blood-
 4377 borne infection shall have a rebuttable presumption that the
 4378 illness was contracted in the course and scope of his or her
 4379 employment, provided that the person, as soon as practicable,
 4380 reports to the person's supervisor or the facility's risk
 4381 manager any significant exposure, as that term is defined in s.
 4382 381.004(1)(c) ~~381.004(2)(e)~~, to blood or body fluids. The
 4383 employer may test the blood or body fluid to determine if it is
 4384 infected with the same disease contracted by the employee. The
 4385 employer may rebut the presumption by the preponderance of the
 4386 evidence. Except as expressly provided in this subsection, there
 4387 shall be no presumption that a blood-borne infection is a job-
 4388 related injury or illness.

4389 Section 122. Subsection (15) of section 499.003, Florida
 4390 Statutes, is amended to read:

4391 499.003 Definitions of terms used in this part.—As used in
 4392 this part, the term:

4393 (15) "Department" means the Department of Business and
 4394 Professional Regulation ~~Department of Health~~.

4395 Section 123. Subsection (2) of section 499.601, Florida
 4396 Statutes, is amended to read:

ENROLLED

CS/CS/CS/HB 1263, Engrossed 3

2012 Legislature

4397 499.601 Legislative intent; construction.—

4398 (2) The provisions of this part are cumulative and shall
 4399 not be construed as repealing or affecting any powers, duties,
 4400 or authority of the department ~~of Health~~ under any other law of
 4401 this state; except that, with respect to the regulation of ether
 4402 as herein provided, in instances in which the provisions of this
 4403 part may conflict with any other such law, the provisions of
 4404 this part shall control.

4405 Section 124. Subsection (2) of section 499.61, Florida
 4406 Statutes, is amended to read:

4407 499.61 Definitions.—As used in this part:

4408 (2) "Department" means the Department of Business and
 4409 Professional Regulation ~~Department of Health~~.

4410 Section 125. Subsection (2) of section 513.10, Florida
 4411 Statutes, is amended to read:

4412 513.10 Operating without permit; enforcement of chapter;
 4413 penalties.—

4414 (2) This chapter or rules adopted under this chapter may
 4415 be enforced in the manner provided in s. 381.0012 and as
 4416 provided in this chapter. Violations of this chapter and the
 4417 rules adopted under this chapter are subject to the penalties
 4418 provided in this chapter and in s. ss. 381.0025 and 381.0061.

4419 Section 126. Paragraph (b) of subsection (9) of section
 4420 768.28, Florida Statutes, is amended to read:

4421 768.28 Waiver of sovereign immunity in tort actions;
 4422 recovery limits; limitation on attorney fees; statute of
 4423 limitations; exclusions; indemnification; risk management
 4424 programs.—

ENROLLED

CS/CS/CS/HB 1263, Engrossed 3

2012 Legislature

4425 (9)

4426 (b) As used in this subsection, the term:

4427 1. "Employee" includes any volunteer firefighter.

4428 2. "Officer, employee, or agent" includes, but is not

4429 limited to, any health care provider when providing services

4430 pursuant to s. 766.1115; ~~any member of the Florida Health~~

4431 ~~Services Corps, as defined in s. 381.0302, who provides~~

4432 ~~uncompensated care to medically indigent persons referred by the~~

4433 ~~Department of Health;~~ any nonprofit independent college or

4434 university located and chartered in this state which owns or

4435 operates an accredited medical school, and its employees or

4436 agents, when providing patient services pursuant to paragraph

4437 (10) (f); and any public defender or her or his employee or

4438 agent, including, among others, an assistant public defender and

4439 an investigator.

4440 Section 127. Subsection (1) of section 775.0877, Florida

4441 Statutes, is amended to read:

4442 775.0877 Criminal transmission of HIV; procedures;

4443 penalties.—

4444 (1) In any case in which a person has been convicted of or

4445 has pled nolo contendere or guilty to, regardless of whether

4446 adjudication is withheld, any of the following offenses, or the

4447 attempt thereof, which offense or attempted offense involves the

4448 transmission of body fluids from one person to another:

- 4449 (a) Section 794.011, relating to sexual battery;
- 4450 (b) Section 826.04, relating to incest;
- 4451 (c) Section 800.04, relating to lewd or lascivious
- 4452 offenses committed upon or in the presence of persons less than

ENROLLED

CS/CS/CS/HB 1263, Engrossed 3

2012 Legislature

4453 16 years of age;

4454 (d) Sections 784.011, 784.07(2)(a), and 784.08(2)(d),

4455 relating to assault;

4456 (e) Sections 784.021, 784.07(2)(c), and 784.08(2)(b),

4457 relating to aggravated assault;

4458 (f) Sections 784.03, 784.07(2)(b), and 784.08(2)(c),

4459 relating to battery;

4460 (g) Sections 784.045, 784.07(2)(d), and 784.08(2)(a),

4461 relating to aggravated battery;

4462 (h) Section 827.03(1), relating to child abuse;

4463 (i) Section 827.03(2), relating to aggravated child abuse;

4464 (j) Section 825.102(1), relating to abuse of an elderly

4465 person or disabled adult;

4466 (k) Section 825.102(2), relating to aggravated abuse of an

4467 elderly person or disabled adult;

4468 (l) Section 827.071, relating to sexual performance by

4469 person less than 18 years of age;

4470 (m) Sections 796.03, 796.07, and 796.08, relating to

4471 prostitution; or

4472 (n) Section 381.0041(11)(b), relating to donation of

4473 blood, plasma, organs, skin, or other human tissue,

4474

4475 the court shall order the offender to undergo HIV testing, to be

4476 performed under the direction of the Department of Health in

4477 accordance with s. 381.004, unless the offender has undergone

4478 HIV testing voluntarily or pursuant to procedures established in

4479 s. 381.004(2)(h)6. ~~381.004(3)(h)6.~~ or s. 951.27, or any other

4480 applicable law or rule providing for HIV testing of criminal

ENROLLED

CS/CS/CS/HB 1263, Engrossed 3

2012 Legislature

4481 offenders or inmates, subsequent to her or his arrest for an
4482 offense enumerated in paragraphs (a)-(n) for which she or he was
4483 convicted or to which she or he pled nolo contendere or guilty.
4484 The results of an HIV test performed on an offender pursuant to
4485 this subsection are not admissible in any criminal proceeding
4486 arising out of the alleged offense.

4487 Section 128. Except as otherwise expressly provided in
4488 this act, this act shall take effect upon becoming a law.