

THE FLORIDA SENATE
2012 SUMMARY OF LEGISLATION PASSED
Committee on Health Regulation

CS/CS/CS/HB 1263 — Department of Health

by Health and Human Services Committee, Appropriations Committee, Health and Human Services Quality Subcommittee; and Rep. Hudson and others (CS/SB 1824 by Health Regulation and Senator Garcia)

This bill substantially amends portions of the Florida Statutes which affect the Department of Health (DOH). The purpose, powers, and duties of the DOH are restated to more succinctly reflect organizational changes that were recommended as a result of the DOH review required by the 2010 Legislature in HB 5311. Substantive provisions in this bill include:

- Authorizing two or more counties and county health departments to combine their operations by an agreement which meets specific criteria;
- Repealing the Florida Center for Universal Research to Eradicate Disease (FLCURED);
- Specifically authorizing county governments to enact health regulations and ordinances that are not inconsistent with state public health laws and rules;
- Basing the list of diseases of public health significance that the DOH may require practitioners to report on recommendations from the Centers for Disease Control and Prevention, the Council of State and Territorial Epidemiologists, and emerging diseases that are necessary for the prevention and control of a disease specific to Florida;
- Amending portions of law relating to onsite sewage treatment and disposal to:
 - o Repeal the onsite sewage treatment and disposal system evaluation program;
 - o Require counties and municipalities with a first magnitude spring to develop and adopt by ordinance a local evaluation and assessment program, unless the county or municipality opts out; and authorize all other counties and municipalities to establish local evaluation and assessment programs;
 - o Set out the framework and allowable criteria if an evaluation program is adopted by a county or municipality by ordinance;
 - o Grandfather in any existing county or municipal programs established prior to July 1, 2011, provided that such a program does not require an evaluation at the point of sale in a real estate transaction;
 - o Provide that a permit issued by the DOH for the installation, modification, or repair of a septic system transfers with title to the property so that title is not encumbered when transferred if new permit requirements are in place at the time of transfer; and
 - o Allow system owners to choose the least costly remedial measure to resolve a system failure;
- Requiring the DOH to establish an interagency agreement with the Department of Children and Family Services for fiscal management of the Special Supplemental Nutrition Program for Women, Infants, and Children, including implementation of an electronic benefits transfer (EBT) system;
- Requiring a health care practitioner to provide certain information when a developmental disability is diagnosed based on the results of a prenatal test and establishing an advisory council to assist the DOH develop an information clearinghouse related to developmental disabilities;

- Amending the Children's Medical Services (CMS) program to revise eligibility requirements so that a child must have a diagnosis of one or more chronic and *serious* medical conditions and the family has a need for specialized services and be enrolled in Medicaid; or if funding is available, a child who does not qualify for Medicaid but who is unable to access specialized services that are medically necessary or essential family support services may participate on a sliding fee schedule;
- Amending the statewide tuberculosis control program to be a coordinated effort of county health departments and contracted or other private health care providers and requiring a transition plan for the closure of the A.G. Holley State Hospital which is to be fully implemented by January 1, 2013;
- Requiring the DOH to contract for the evaluation and review of laboratory certification applications and for laboratory inspections;
- Requiring a physician who performs liposuction procedures in an office setting where more than 1,000 cubic centimeters of supernatant fat is removed to register the office with the DOH;
- Requiring the Board of Nursing to deny a program application for a new prelicensure nursing education program if the educational institution has an existing program that is on probationary status;
- Revising various entities powers over the regulation of public swimming pools and public bathing places to:
 - o Limit the DOH's duty to inspect and regulate such places to sanitation and safety standards.
 - o Authorize the DOH to issue health advisories related to public bathing places;
 - o Authorize county health department responsibility to grant them authority over water quality at such places; and
 - o Authorize local government responsibility over construction and modification reviews of such places;
- Transferring the Nursing Student Loan Forgiveness Program to the Department of Education; and
- Requiring the Division of Medical Quality Assurance to develop a plan to improve the efficiency of its functions relating to timeliness in processing licenses, publishing board meetings, and coordination of joint functions between the division and regulatory boards.

The bill also consolidates and renames several divisions within the DOH and removes unused rulemaking authority, unnecessary legislative intent and findings, and obsolete date references. It also removes provisions requiring the Legislature to expend funds, which have no effect on the Legislature's budget decisions in the General Appropriations Act.

If approved by the Governor, these provisions take effect upon becoming law unless otherwise expressly stated.

Vote: Senate 31-9; House 86-29