

1 A bill to be entitled
 2 An act relating to the Department of Health; amending
 3 s. 20.43, F.S.; revising the purpose of the Department
 4 of Health; revising duties of the State Surgeon
 5 General; eliminating the Officer of Women's Health
 6 Strategy; revising divisions within the department;
 7 amending s. 20.435, F.S.; redesignating the Medical
 8 Quality Assurance Trust Fund as the Health Care
 9 Regulation Trust Fund to conform to changes made by
 10 the act; eliminating the Florida Drug, Device, and
 11 Cosmetic Trust Fund and the Nursing Student Loan
 12 Forgiveness Trust Fund as trust funds of the
 13 department; amending ss. 196.012, 202.125, 212.08,
 14 215.5602, 310.102, 381.4018, 381.922, 395.1027,
 15 400.914, 409.256, 415.1055, 456.001, 456.011, 456.013,
 16 456.025, 456.032, 456.037, 456.061, 456.065, 456.072,
 17 456.076, 458.331, 459.015, 462.09, 464.0195, 467.0135,
 18 474.221, 480.044, 483.901, 490.0085, 491.0085,
 19 663.115, 766.113, 766.206, 766.305, and 768.28, F.S.;
 20 conforming references; amending s. 381.0011, F.S.;
 21 providing for the department to award funding through
 22 competitive grants; amending s. 381.0046, F.S.;
 23 redesignating the Bureau of HIV and AIDS as the Bureau
 24 of Communicable Diseases; amending s. 381.0065, F.S.;
 25 authorizing the Bureau Chief for Environmental Health
 26 to assign staff to resolve disputes regarding the
 27 interpretation of rules relating to onsite sewage
 28 treatment and disposal systems; providing for the

29 Bureau Chief for Environmental Health to serve on a
30 variance review and advisory committee; providing for
31 a representative of the bureau to serve on a research
32 review and advisory committee; amending s. 381.0101,
33 F.S.; providing for the Bureau Chief for Environmental
34 Health to serve on an environmental health
35 professionals advisory board; repealing s. 381.04015,
36 F.S., which established the Women's Health Strategy
37 and the Officer of Women's Health Strategy and the
38 duties and responsibilities of the officer and other
39 state agencies with respect thereto; repealing s.
40 381.855, F.S., which established the Florida Center
41 for Universal Research to Eradicate Disease; repealing
42 s. 381.895, F.S., which established standards for
43 compressed air used for recreational diving; repealing
44 s. 381.90, F.S., which established the Health
45 Information Systems Council; repealing s. 385.210,
46 F.S., which created the Arthritis Prevention and
47 Education Act; amending s. 391.028, F.S.; providing
48 for the Director of Children's Medical Services to
49 appoint one division director, subject to the approval
50 of the State Surgeon General; repealing s. 391.221,
51 F.S., which established the Statewide Children's
52 Medical Services Network Advisory Council; amending s.
53 392.51, F.S.; revising legislative findings with
54 respect to the delivery of tuberculosis control
55 services; amending s. 392.56, F.S.; providing for
56 persons with active tuberculosis to be hospitalized in

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57 any hospital licensed under ch. 395, F.S.; amending s.
58 392.62, F.S.; revising provisions relating to the
59 hospitalization of persons with active tuberculosis;
60 amending s. 392.69, F.S.; revising provisions relating
61 to legislative appropriations for the care and
62 maintenance of patients hospitalized pursuant to court
63 order for tuberculosis; repealing s. 458.346, F.S.,
64 which created the Public Sector Physician Advisory
65 Committee; amending s. 553.73, F.S.; requiring the
66 Florida Building Code to contain provisions relating
67 to sanitation; amending s. 1009.66, F.S.; reassigning
68 responsibility for the Nursing Student Loan
69 Forgiveness Program from the Department of Health to
70 the Department of Education; amending s. 1009.67,
71 F.S.; reassigning responsibility for the nursing
72 scholarship program from the Department of Health to
73 the Department of Education; providing type two
74 transfers of the programs; providing for transfer of a
75 trust fund; providing applicability to contracts;
76 authorizing transfer of funds and positions between
77 departments; providing a directive to the Division of
78 Statutory Revision to assist substantive committees to
79 prepare conforming legislation; providing an effective
80 date.

81
82 Be It Enacted by the Legislature of the State of Florida:
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84 Section 1. Subsections (1), (2), and (3) of section 20.43,
85 Florida Statutes, are amended to read:

86 20.43 Department of Health.—There is created a Department
87 of Health.

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

93 (a) Identify, diagnose, and conduct surveillance of
94 diseases and health conditions in the state, accumulating health
95 statistics necessary to establish trends ~~Prevent to the fullest~~
96 ~~extent possible, the occurrence and progression of communicable~~
97 ~~and noncommunicable diseases and disabilities.~~

98 (b) Implement interventions that prevent or limit the
99 impact or spread of diseases and health conditions ~~Maintain a~~
100 ~~constant surveillance of disease occurrence and accumulate~~
101 ~~health statistics necessary to establish disease trends and to~~
102 ~~design health programs.~~

103 (c) Collect, manage, and analyze vital statistics and
104 other health data to inform the public and formulate public
105 health policy and planning ~~Conduct special studies of the causes~~
106 ~~of diseases and formulate preventive strategies.~~

107 (d) Maintain and coordinate preparedness for and responses
108 to public health emergencies in the state ~~Promote the~~
109 ~~maintenance and improvement of the environment as it affects~~
110 ~~public health.~~

111 (e) Provide or ensure the provision of quality health and

112 related services to identified populations in the state Promote
 113 ~~the maintenance and improvement of health in the residents of~~
 114 ~~the state.~~

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

119 (g) Regulate health practitioners, to the extent
 120 authorized by law, as necessary for the preservation of the
 121 health, safety, and welfare of the public Provide health care
 122 ~~and early intervention services to infants, toddlers, children,~~
 123 ~~adolescents, and high-risk perinatal patients who are at risk~~
 124 ~~for disabling conditions or have chronic illnesses.~~

125 ~~(h) Provide services to abused and neglected children~~
 126 ~~through child protection teams and sexual abuse treatment~~
 127 ~~programs.~~

128 ~~(i) Develop working associations with all agencies and~~
 129 ~~organizations involved and interested in health and health care~~
 130 ~~delivery.~~

131 ~~(j) Analyze trends in the evolution of health systems, and~~
 132 ~~identify and promote the use of innovative, cost-effective~~
 133 ~~health delivery systems.~~

134 ~~(k) Serve as the statewide repository of all aggregate~~
 135 ~~data accumulated by state agencies related to health care,~~
 136 ~~analyze that data and issue periodic reports and policy~~
 137 ~~statements, as appropriate; require that all aggregated data be~~
 138 ~~kept in a manner that promotes easy utilization by the public,~~
 139 ~~state agencies, and all other interested parties; provide~~

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140 ~~technical assistance as required; and work cooperatively with~~
141 ~~the state's higher education programs to promote further study~~
142 ~~and analysis of health care systems and health care outcomes.~~

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

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

151 ~~(2)(a) The head of the Department of Health is the State~~
152 ~~Surgeon General and State Health Officer. The State Surgeon~~
153 ~~General must be a physician licensed under chapter 458 or~~
154 ~~chapter 459 who has advanced training or extensive experience in~~
155 ~~public health administration. The State Surgeon General is~~
156 ~~appointed by the Governor subject to confirmation by the Senate.~~
157 ~~The State Surgeon General serves at the pleasure of the~~
158 ~~Governor. The State Surgeon General shall serve as the leading~~
159 ~~voice on wellness and disease prevention efforts, including the~~
160 ~~promotion of healthful lifestyles, immunization practices,~~
161 ~~health literacy, and the assessment and promotion of the~~
162 ~~physician and health care workforce in order to meet the health~~
163 ~~care needs of the state. The State Surgeon General shall focus~~
164 ~~on advocating healthy lifestyles, developing public health~~
165 ~~policy, and building collaborative partnerships with schools,~~
166 ~~businesses, health care practitioners, community-based~~
167 ~~organizations, and public and private institutions in order to~~

168 ~~promote health literacy and optimum quality of life for all~~
 169 ~~Floridians.~~

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

173 (3) The following divisions of the Department of Health
 174 are established:

175 (a) Division of Administration.

176 (b) Division of Emergency Preparedness and Community
 177 Support Environmental Health.

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

179 (d) Division of Community Health Promotion ~~Family Health~~
 180 ~~Services.~~

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

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

184 (g) Division of Health Care Regulation ~~Medical Quality~~
 185 ~~Assurance~~, which is responsible for the following boards and
 186 professions established within the division:

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

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

189 3. The Board of Osteopathic Medicine, created under
 190 chapter 459.

191 4. The Board of Chiropractic Medicine, created under
 192 chapter 460.

193 5. The Board of Podiatric Medicine, created under chapter
 194 461.

195 6. Naturopathy, as provided under chapter 462.

- 196 | 7. The Board of Optometry, created under chapter 463.
- 197 | 8. The Board of Nursing, created under part I of chapter
- 198 | 464.
- 199 | 9. Nursing assistants, as provided under part II of
- 200 | chapter 464.
- 201 | 10. The Board of Pharmacy, created under chapter 465.
- 202 | 11. The Board of Dentistry, created under chapter 466.
- 203 | 12. Midwifery, as provided under chapter 467.
- 204 | 13. The Board of Speech-Language Pathology and Audiology,
- 205 | created under part I of chapter 468.
- 206 | 14. The Board of Nursing Home Administrators, created
- 207 | under part II of chapter 468.
- 208 | 15. The Board of Occupational Therapy, created under part
- 209 | III of chapter 468.
- 210 | 16. Respiratory therapy, as provided under part V of
- 211 | chapter 468.
- 212 | 17. Dietetics and nutrition practice, as provided under
- 213 | part X of chapter 468.
- 214 | 18. The Board of Athletic Training, created under part
- 215 | XIII of chapter 468.
- 216 | 19. The Board of Orthotists and Prosthetists, created
- 217 | under part XIV of chapter 468.
- 218 | 20. Electrolysis, as provided under chapter 478.
- 219 | 21. The Board of Massage Therapy, created under chapter
- 220 | 480.
- 221 | 22. The Board of Clinical Laboratory Personnel, created
- 222 | under part III of chapter 483.
- 223 | 23. Medical physicists, as provided under part IV of

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224 chapter 483.

225 24. The Board of Opticianry, created under part I of
226 chapter 484.

227 25. The Board of Hearing Aid Specialists, created under
228 part II of chapter 484.

229 26. The Board of Physical Therapy Practice, created under
230 chapter 486.

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

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

233 29. The Board of Clinical Social Work, Marriage and Family
234 Therapy, and Mental Health Counseling, created under chapter
235 491.

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

238 ~~(h) Division of Children's Medical Services Prevention and~~
239 ~~Intervention.~~

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

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

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

243 Section 2. Subsections (14) through (22) of section
244 20.435, Florida Statutes, are renumbered as subsections (13)
245 through (20), respectively, and subsection (4) and present
246 subsections (13) and (17) of that section are amended to read:

247 20.435 Department of Health; trust funds.—The following
248 trust funds shall be administered by the Department of Health:

249 (4) Health Care Regulation ~~Medical Quality Assurance~~ Trust
250 Fund.

251 (a) Funds to be credited to the trust fund shall consist

252 of fees and fines related to the licensing of health care
 253 professionals. Funds shall be used for the purpose of providing
 254 administrative support for the regulation of health care
 255 professionals and for other such purposes as may be appropriate
 256 and shall be expended only pursuant to legislative appropriation
 257 or an approved amendment to the department's operating budget
 258 pursuant to the provisions of chapter 216.

259 (b) Notwithstanding the provisions of s. 216.301 and
 260 pursuant to s. 216.351, any balance in the trust fund at the end
 261 of any fiscal year shall remain in the trust fund at the end of
 262 the year and shall be available for carrying out the purposes of
 263 the trust fund.

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

265 ~~(a) Funds to be credited to and uses of the trust fund~~
 266 ~~shall be administered in accordance with the provisions of~~
 267 ~~chapter 499.~~

268 ~~(b) Notwithstanding the provisions of s. 216.301 and~~
 269 ~~pursuant to s. 216.351, any balance in the trust fund at the end~~
 270 ~~of any fiscal year shall remain in the trust fund at the end of~~
 271 ~~the year and shall be available for carrying out the purposes of~~
 272 ~~the trust fund.~~

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

274 ~~(a) Funds to be credited to and uses of the trust fund~~
 275 ~~shall be administered in accordance with the provisions of s.~~
 276 ~~1009.66.~~

277 ~~(b) Notwithstanding the provisions of s. 216.301 and~~
 278 ~~pursuant to s. 216.351, any balance in the trust fund at the end~~
 279 ~~of any fiscal year shall remain in the trust fund at the end of~~

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280 ~~the year and shall be available for carrying out the purposes of~~
 281 ~~the trust fund.~~

282 Section 3. Subsection (5) of section 196.012, Florida
 283 Statutes, is amended to read:

284 196.012 Definitions.—For the purpose of this chapter, the
 285 following terms are defined as follows, except where the context
 286 clearly indicates otherwise:

287 (5) "Educational institution" means a federal, state,
 288 parochial, church, or private school, college, or university
 289 conducting regular classes and courses of study required for
 290 eligibility to certification by, accreditation to, or membership
 291 in the State Department of Education of Florida, Southern
 292 Association of Colleges and Schools, or the Florida Council of
 293 Independent Schools; a nonprofit private school the principal
 294 activity of which is conducting regular classes and courses of
 295 study accepted for continuing postgraduate dental education
 296 credit by a board of the Division of Health Care Regulation
 297 ~~Medical Quality Assurance~~; educational direct-support
 298 organizations created pursuant to ss. 1001.24, 1004.28, and
 299 1004.70; facilities located on the property of eligible entities
 300 which will become owned by those entities on a date certain; and
 301 institutions of higher education, as defined under and
 302 participating in the Higher Educational Facilities Financing
 303 Act.

304 Section 4. Paragraph (b) of subsection (4) of section
 305 202.125, Florida Statutes, is amended to read:

306 202.125 Sales of communications services; specified
 307 exemptions.—

308 (4) The sale of communications services to a home for the
 309 aged, religious institution or educational institution that is
 310 exempt from federal income tax under s. 501(c)(3) of the
 311 Internal Revenue Code, or by a religious institution that is
 312 exempt from federal income tax under s. 501(c)(3) of the
 313 Internal Revenue Code having an established physical place for
 314 worship at which nonprofit religious services and activities are
 315 regularly conducted and carried on, is exempt from the taxes
 316 imposed or administered pursuant to ss. 202.12 and 202.19. As
 317 used in this subsection, the term:

318 (b) "Educational institution" includes:

319 1. Any state tax-supported, parochial, religious
 320 institution, and nonprofit private school, college, or
 321 university that conducts regular classes and courses of study
 322 required for accreditation by or membership in the Southern
 323 Association of Colleges and Schools, the Florida Council of
 324 Independent Schools, or the Florida Association of Christian
 325 Colleges and Schools, Inc.

326 2. Any nonprofit private school that conducts regular
 327 classes and courses of study which are accepted for continuing
 328 education credit by a board of the Division of Health Care
 329 Regulation ~~Medical Quality Assurance~~ of the Department of
 330 Health.

331 3. Any nonprofit library.

332 4. Any nonprofit art gallery.

333 5. Any nonprofit performing arts center that provides
 334 educational programs to school children, which programs involve
 335 performances or other educational activities at the performing

336 arts center and serve a minimum of 50,000 school children a
 337 year.

338 6. Any nonprofit museum that is open to the public.

339 Section 5. Paragraph (cc) of subsection (7) of section
 340 212.08, Florida Statutes, is amended to read:

341 212.08 Sales, rental, use, consumption, distribution, and
 342 storage tax; specified exemptions.—The sale at retail, the
 343 rental, the use, the consumption, the distribution, and the
 344 storage to be used or consumed in this state of the following
 345 are hereby specifically exempt from the tax imposed by this
 346 chapter.

347 (7) MISCELLANEOUS EXEMPTIONS.—Exemptions provided to any
 348 entity by this chapter do not inure to any transaction that is
 349 otherwise taxable under this chapter when payment is made by a
 350 representative or employee of the entity by any means,
 351 including, but not limited to, cash, check, or credit card, even
 352 when that representative or employee is subsequently reimbursed
 353 by the entity. In addition, exemptions provided to any entity by
 354 this subsection do not inure to any transaction that is
 355 otherwise taxable under this chapter unless the entity has
 356 obtained a sales tax exemption certificate from the department
 357 or the entity obtains or provides other documentation as
 358 required by the department. Eligible purchases or leases made
 359 with such a certificate must be in strict compliance with this
 360 subsection and departmental rules, and any person who makes an
 361 exempt purchase with a certificate that is not in strict
 362 compliance with this subsection and the rules is liable for and
 363 shall pay the tax. The department may adopt rules to administer

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364 this subsection.

365 (cc) Works of art.—

366 1. Also exempt are works of art sold to or used by an
367 educational institution.

368 2. This exemption also applies to the sale to or use in
369 this state of any work of art by any person if it was purchased
370 or imported exclusively for the purpose of being donated to any
371 educational institution, or loaned to and made available for
372 display by any educational institution, provided that the term
373 of the loan agreement is for at least 10 years.

374 3. The exemption provided by this paragraph for donations
375 is allowed only if the person who purchased the work of art
376 transfers title to the donated work of art to an educational
377 institution. Such transfer of title shall be evidenced by an
378 affidavit meeting requirements established by rule to document
379 entitlement to the exemption. ~~Nothing in~~ This paragraph does not
380 ~~shall~~ preclude a work of art donated to an educational
381 institution from remaining in the possession of the donor or
382 purchaser, as long as title to the work of art lies with the
383 educational institution.

384 4. A work of art is presumed to have been purchased in or
385 imported into this state exclusively for loan as provided in
386 subparagraph 2., if it is so loaned or placed in storage in
387 preparation for such a loan within 90 days after purchase or
388 importation, whichever is later; but a work of art is not deemed
389 to be placed in storage in preparation for loan for purposes of
390 this exemption if it is displayed at any place other than an
391 educational institution.

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392 5. The exemptions provided by this paragraph are allowed
393 only if the person who purchased the work of art gives to the
394 vendor an affidavit meeting the requirements, established by
395 rule, to document entitlement to the exemption. The person who
396 purchased the work of art shall forward a copy of such affidavit
397 to the Department of Revenue at the time it is issued to the
398 vendor.

399 6. The exemption for loans provided by subparagraph 2.
400 applies only for the period during which a work of art is in the
401 possession of the educational institution or is in storage
402 before transfer of possession to that institution; and when it
403 ceases to be so possessed or held, tax based upon the sales
404 price paid by the owner is payable, and the statute of
405 limitations provided in s. 95.091 shall begin to run at that
406 time. However, tax shall not become due if the work of art is
407 donated to an educational institution after the loan ceases.

408 7. Any educational institution to which a work of art has
409 been donated pursuant to this paragraph shall make available to
410 the department the title to the work of art and any other
411 relevant information. Any educational institution which has
412 received a work of art on loan pursuant to this paragraph shall
413 make available to the department information relating to the
414 work of art. Any educational institution that transfers from its
415 possession a work of art as defined by this paragraph which has
416 been loaned to it must notify the Department of Revenue within
417 60 days after the transfer.

418 8. For purposes of the exemptions provided by this
419 paragraph, the term:

420 a. "Educational institutions" includes state tax-
 421 supported, parochial, church, and nonprofit private schools,
 422 colleges, or universities that conduct regular classes and
 423 courses of study required for accreditation by or membership in
 424 the Southern Association of Colleges and Schools, the Florida
 425 Council of Independent Schools, or the Florida Association of
 426 Christian Colleges and Schools, Inc.; nonprofit private schools
 427 that conduct regular classes and courses of study accepted for
 428 continuing education credit by a board of the Division of Health
 429 Care Regulation ~~Medical Quality Assurance~~ of the Department of
 430 Health; or nonprofit libraries, art galleries, performing arts
 431 centers that provide educational programs to school children,
 432 which programs involve performances or other educational
 433 activities at the performing arts center and serve a minimum of
 434 50,000 school children a year, and museums open to the public.

435 b. "Work of art" includes pictorial representations,
 436 sculpture, jewelry, antiques, stamp collections and coin
 437 collections, and other tangible personal property, the value of
 438 which is attributable predominantly to its artistic, historical,
 439 political, cultural, or social importance.

440 Section 6. Subsections (10) and (12) of section 215.5602,
 441 Florida Statutes, are amended to read:

442 215.5602 James and Esther King Biomedical Research
 443 Program.—

444 (10) The council shall submit an annual progress report on
 445 the state of biomedical research in this state to the ~~Florida~~
 446 ~~Center for Universal Research to Eradicate Disease and to the~~
 447 Governor, the State Surgeon General, the President of the

448 Senate, and the Speaker of the House of Representatives by
 449 February 1. The report must include:

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

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

453 (c) A list of publications in peer reviewed journals
 454 involving research supported by grants or fellowships awarded
 455 under the program.

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

458 (e) New grants for biomedical research which were funded
 459 based on research supported by grants or fellowships awarded
 460 under the program.

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

464 (12) ~~From funds appropriated to accomplish the goals of~~
 465 ~~this section, up to \$250,000 shall be available for the~~
 466 ~~operating costs of the Florida Center for Universal Research to~~
 467 ~~Eradicate Disease.~~ Beginning in the 2011-2012 fiscal year and
 468 thereafter, \$25 million from the revenue deposited into the
 469 Health Care Trust Fund pursuant to ss. 210.011(9) and 210.276(7)
 470 shall be reserved for research of tobacco-related or cancer-
 471 related illnesses. Of the revenue deposited in the Health Care
 472 Trust Fund pursuant to this section, \$25 million shall be
 473 transferred to the Biomedical Research Trust Fund within the
 474 Department of Health. Subject to annual appropriations in the
 475 General Appropriations Act, \$5 million shall be appropriated to

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476 the James and Esther King Biomedical Research Program, \$5
 477 million shall be appropriated to the William G. "Bill" Bankhead,
 478 Jr., and David Coley Cancer Research Program created under s.
 479 381.922, \$5 million shall be appropriated to the H. Lee Moffitt
 480 Cancer Center and Research Institute established under s.
 481 1004.43, \$5 million shall be appropriated to the Sylvester
 482 Comprehensive Cancer Center of the University of Miami, and \$5
 483 million shall be appropriated to the University of Florida
 484 Shands Cancer Center.

485 Section 7. Subsection (2) of section 310.102, Florida
 486 Statutes, is amended to read:

487 310.102 Treatment programs for impaired pilots and deputy
 488 pilots.—

489 (2) The department shall retain one or more impaired
 490 practitioner consultants as recommended by the committee. A
 491 consultant shall be a licensee under the jurisdiction of the
 492 Division of Health Care Regulation ~~Medical Quality Assurance~~
 493 within the Department of Health, and at least one consultant
 494 must be a practitioner licensed under chapter 458, chapter 459,
 495 or part I of chapter 464. The consultant shall assist the
 496 probable cause panel and department in carrying out the
 497 responsibilities of this section. This shall include working
 498 with department investigators to determine whether a pilot or
 499 deputy pilot is, in fact, impaired.

500 Section 8. Subsection (14) of section 381.0011, Florida
 501 Statutes, is renumbered as subsection (15), and a new subsection
 502 (14) is added to that section to read:

503 381.0011 Duties and powers of the Department of Health.—It

504 is the duty of the Department of Health to:

505 (14) Award funding through competitive grants.

506 Section 9. Subsection (2) of section 381.0046, Florida
507 Statutes, is amended to read:

508 381.0046 Statewide HIV and AIDS prevention campaign.—

509 (2) The Department of Health shall establish four
510 positions within the department for HIV and AIDS regional
511 minority coordinators and one position for a statewide HIV and
512 AIDS minority coordinator. The coordinators shall facilitate
513 statewide efforts to implement and coordinate HIV and AIDS
514 prevention and treatment programs. The statewide coordinator
515 shall report directly to the chief of the Bureau of Communicable
516 Diseases ~~HIV and AIDS~~ within the Department of Health.

517 Section 10. Paragraph (c) of subsection (3) and paragraphs
518 (h) and (o) of subsection (4) of section 381.0065, Florida
519 Statutes, are amended to read:

520 381.0065 Onsite sewage treatment and disposal systems;
521 regulation.—

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

524 (c) Develop a comprehensive program to ensure that onsite
525 sewage treatment and disposal systems regulated by the
526 department are sized, designed, constructed, installed,
527 repaired, modified, abandoned, used, operated, and maintained in
528 compliance with this section and rules adopted under this
529 section to prevent groundwater contamination and surface water
530 contamination and to preserve the public health. The department
531 is the final administrative interpretive authority regarding

532 rule interpretation. In the event of a conflict regarding rule
533 interpretation, the Bureau Chief ~~Division Director~~ for
534 Environmental Health of the department, or his or her designee,
535 shall timely assign a staff person to resolve the dispute.

536 (4) PERMITS; INSTALLATION; AND CONDITIONS.—A person may
537 not construct, repair, modify, abandon, or operate an onsite
538 sewage treatment and disposal system without first obtaining a
539 permit approved by the department. The department may issue
540 permits to carry out this section, but shall not make the
541 issuance of such permits contingent upon prior approval by the
542 Department of Environmental Protection, except that the issuance
543 of a permit for work seaward of the coastal construction control
544 line established under s. 161.053 shall be contingent upon
545 receipt of any required coastal construction control line permit
546 from the Department of Environmental Protection. A construction
547 permit is valid for 18 months from the issuance date and may be
548 extended by the department for one 90-day period under rules
549 adopted by the department. A repair permit is valid for 90 days
550 from the date of issuance. An operating permit must be obtained
551 prior to the use of any aerobic treatment unit or if the
552 establishment generates commercial waste. Buildings or
553 establishments that use an aerobic treatment unit or generate
554 commercial waste shall be inspected by the department at least
555 annually to assure compliance with the terms of the operating
556 permit. The operating permit for a commercial wastewater system
557 is valid for 1 year from the date of issuance and must be
558 renewed annually. The operating permit for an aerobic treatment
559 unit is valid for 2 years from the date of issuance and must be

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560 renewed every 2 years. If all information pertaining to the
561 siting, location, and installation conditions or repair of an
562 onsite sewage treatment and disposal system remains the same, a
563 construction or repair permit for the onsite sewage treatment
564 and disposal system may be transferred to another person, if the
565 transferee files, within 60 days after the transfer of
566 ownership, an amended application providing all corrected
567 information and proof of ownership of the property. There is no
568 fee associated with the processing of this supplemental
569 information. A person may not contract to construct, modify,
570 alter, repair, service, abandon, or maintain any portion of an
571 onsite sewage treatment and disposal system without being
572 registered under part III of chapter 489. A property owner who
573 personally performs construction, maintenance, or repairs to a
574 system serving his or her own owner-occupied single-family
575 residence is exempt from registration requirements for
576 performing such construction, maintenance, or repairs on that
577 residence, but is subject to all permitting requirements. A
578 municipality or political subdivision of the state may not issue
579 a building or plumbing permit for any building that requires the
580 use of an onsite sewage treatment and disposal system unless the
581 owner or builder has received a construction permit for such
582 system from the department. A building or structure may not be
583 occupied and a municipality, political subdivision, or any state
584 or federal agency may not authorize occupancy until the
585 department approves the final installation of the onsite sewage
586 treatment and disposal system. A municipality or political
587 subdivision of the state may not approve any change in occupancy

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588 or tenancy of a building that uses an onsite sewage treatment
589 and disposal system until the department has reviewed the use of
590 the system with the proposed change, approved the change, and
591 amended the operating permit.

592 (h)1. The department may grant variances in hardship cases
593 which may be less restrictive than the provisions specified in
594 this section. If a variance is granted and the onsite sewage
595 treatment and disposal system construction permit has been
596 issued, the variance may be transferred with the system
597 construction permit, if the transferee files, within 60 days
598 after the transfer of ownership, an amended construction permit
599 application providing all corrected information and proof of
600 ownership of the property and if the same variance would have
601 been required for the new owner of the property as was
602 originally granted to the original applicant for the variance.
603 There is no fee associated with the processing of this
604 supplemental information. A variance may not be granted under
605 this section until the department is satisfied that:

606 a. The hardship was not caused intentionally by the action
607 of the applicant;

608 b. No reasonable alternative, taking into consideration
609 factors such as cost, exists for the treatment of the sewage;
610 and

611 c. The discharge from the onsite sewage treatment and
612 disposal system will not adversely affect the health of the
613 applicant or the public or significantly degrade the groundwater
614 or surface waters.

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616 Where soil conditions, water table elevation, and setback
617 provisions are determined by the department to be satisfactory,
618 special consideration must be given to those lots platted before
619 1972.

620 2. The department shall appoint and staff a variance
621 review and advisory committee, which shall meet monthly to
622 recommend agency action on variance requests. The committee
623 shall make its recommendations on variance requests at the
624 meeting in which the application is scheduled for consideration,
625 except for an extraordinary change in circumstances, the receipt
626 of new information that raises new issues, or when the applicant
627 requests an extension. The committee shall consider the criteria
628 in subparagraph 1. in its recommended agency action on variance
629 requests and shall also strive to allow property owners the full
630 use of their land where possible. The committee consists of the
631 following:

- 632 a. The Bureau Chief ~~Division Director~~ for Environmental
633 Health of the department or his or her designee.
- 634 b. A representative from the county health departments.
- 635 c. A representative from the home building industry
636 recommended by the Florida Home Builders Association.
- 637 d. A representative from the septic tank industry
638 recommended by the Florida Onsite Wastewater Association.
- 639 e. A representative from the Department of Environmental
640 Protection.
- 641 f. A representative from the real estate industry who is
642 also a developer in this state who develops lots using onsite
643 sewage treatment and disposal systems, recommended by the

644 Florida Association of Realtors.

645 g. A representative from the engineering profession
646 recommended by the Florida Engineering Society.

647
648 Members shall be appointed for a term of 3 years, with such
649 appointments being staggered so that the terms of no more than
650 two members expire in any one year. Members shall serve without
651 remuneration, but if requested, shall be reimbursed for per diem
652 and travel expenses as provided in s. 112.061.

653 (o) The department shall appoint a research review and
654 advisory committee, which shall meet at least semiannually. The
655 committee shall advise the department on directions for new
656 research, review and rank proposals for research contracts, and
657 review draft research reports and make comments. The committee
658 is comprised of:

659 1. A representative of the Bureau ~~Division~~ of
660 Environmental Health of the Department of Health.

661 2. A representative from the septic tank industry.

662 3. A representative from the home building industry.

663 4. A representative from an environmental interest group.

664 5. A representative from the State University System, from
665 a department knowledgeable about onsite sewage treatment and
666 disposal systems.

667 6. A professional engineer registered in this state who
668 has work experience in onsite sewage treatment and disposal
669 systems.

670 7. A representative from local government who is
671 knowledgeable about domestic wastewater treatment.

- 672 8. A representative from the real estate profession.
- 673 9. A representative from the restaurant industry.
- 674 10. A consumer.

675

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

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

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

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

680 travel expenses as provided in s. 112.061.

681 Section 11. Paragraph (a) of subsection (4) of section

682 381.0101, Florida Statutes, is amended to read:

683 381.0101 Environmental health professionals.—

684 (4) ENVIRONMENTAL HEALTH PROFESSIONALS ADVISORY BOARD.—The

685 State Health Officer shall appoint an advisory board to assist

686 the department in the promulgation of rules for certification,

687 testing, establishing standards, and seeking enforcement actions

688 against certified professionals.

689 (a) The board shall be comprised of the Bureau Chief

690 ~~Division Director~~ for Environmental Health or his or her

691 designee, one individual who will be certified under this

692 section, one individual not employed in a governmental capacity

693 who will or does employ a certified environmental health

694 professional, one individual whose business is or will be

695 evaluated by a certified environmental health professional, a

696 citizen of the state who neither employs nor is routinely

697 evaluated by a person certified under this section.

698 Section 12. Section 381.04015, Florida Statutes, is

699 repealed.

700 Section 13. Paragraph (g) of subsection (4) of section
 701 381.4018, Florida Statutes, is amended to read:

702 381.4018 Physician workforce assessment and development.—

703 (4) GENERAL FUNCTIONS.—The department shall maximize the
 704 use of existing programs under the jurisdiction of the
 705 department and other state agencies and coordinate governmental
 706 and nongovernmental stakeholders and resources in order to
 707 develop a state strategic plan and assess the implementation of
 708 such strategic plan. In developing the state strategic plan, the
 709 department shall:

710 (g) Coordinate and enhance activities relative to
 711 physician workforce needs, undergraduate medical education,
 712 graduate medical education, and reentry of retired military and
 713 other physicians into the physician workforce provided by the
 714 Division of Health Care Regulation ~~Medical Quality Assurance~~,
 715 area health education center networks established pursuant to s.
 716 381.0402, and other offices and programs within the department
 717 as designated by the State Surgeon General.

718 Section 14. Section 381.855, Florida Statutes, is
 719 repealed.

720 Section 15. Section 381.895, Florida Statutes, is
 721 repealed.

722 Section 16. Section 381.90, Florida Statutes, is repealed.

723 Section 17. Subsection (5) of section 381.922, Florida
 724 Statutes, is amended to read:

725 381.922 William G. "Bill" Bankhead, Jr., and David Coley
 726 Cancer Research Program.—

727 (5) The William G. "Bill" Bankhead, Jr., and David Coley

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728 Cancer Research Program is funded pursuant to s. 215.5602(12).
729 Funds appropriated for the William G. "Bill" Bankhead, Jr., and
730 David Coley Cancer Research Program shall be distributed
731 pursuant to this section to provide grants to researchers
732 seeking cures for cancer and cancer-related illnesses, with
733 emphasis given to the goals enumerated in this section. From the
734 total funds appropriated, an amount of up to 10 percent may be
735 used for administrative expenses. ~~From funds appropriated to~~
736 ~~accomplish the goals of this section, up to \$250,000 shall be~~
737 ~~available for the operating costs of the Florida Center for~~
738 ~~Universal Research to Eradicate Disease.~~

739 Section 18. Section 385.210, Florida Statutes, is
740 repealed.

741 Section 19. Subsection (1) of section 391.028, Florida
742 Statutes, is amended to read:

743 391.028 Administration.—The Children's Medical Services
744 program shall have a central office and area offices.

745 (1) The Director of Children's Medical Services must be a
746 physician licensed under chapter 458 or chapter 459 who has
747 specialized training and experience in the provision of health
748 care to children and who has recognized skills in leadership and
749 the promotion of children's health programs. The director shall
750 be the deputy secretary and the Deputy State Health Officer for
751 Children's Medical Services and is appointed by and reports to
752 the State Surgeon General. The director may appoint a division
753 director ~~directors~~ subject to the approval of the State Surgeon
754 General.

755 Section 20. Section 391.221, Florida Statutes, is
 756 repealed.

757 Section 21. Section 392.51, Florida Statutes, is amended
 758 to read:

759 392.51 Findings and intent.—The Legislature finds and
 760 declares that active tuberculosis is a highly contagious
 761 infection that is sometimes fatal and constitutes a serious
 762 threat to the public health. The Legislature finds that there is
 763 a significant reservoir of tuberculosis infection in this state
 764 and that there is a need to develop community programs to
 765 identify tuberculosis and to respond quickly with appropriate
 766 measures. The Legislature finds that some patients who have
 767 active tuberculosis have complex medical, social, and economic
 768 problems that make outpatient control of the disease difficult,
 769 if not impossible, without posing a threat to the public health.
 770 The Legislature finds that in order to protect the citizenry
 771 from those few persons who pose a threat to the public, it is
 772 necessary to establish a system of mandatory contact
 773 identification, treatment to cure, hospitalization, and
 774 isolation for contagious cases and to provide a system of
 775 voluntary, community-oriented care and surveillance in all other
 776 cases. The Legislature finds that the delivery of tuberculosis
 777 control services is best accomplished by the coordinated efforts
 778 of the respective county health departments, a hospitalization
 779 program administered by the department ~~the A.G. Holley State~~
 780 ~~Hospital~~, and the private health care delivery system.

781 Section 22. Subsection (5) of section 392.56, Florida
 782 Statutes, is amended to read:

783 392.56 Hospitalization, placement, and residential
784 isolation.—

785 (5) If the department petitions the circuit court to order
786 that a person who has active tuberculosis be hospitalized in a
787 hospital licensed under chapter 395 ~~facility operated under s.~~
788 ~~392.62(2)~~, the department shall notify the facility of the
789 potential court order.

790 Section 23. Section 392.62, Florida Statutes, is amended
791 to read:

792 392.62 Hospitalization and placement programs.—

793 (1) The department shall operate a program for the
794 hospitalization of persons who have active tuberculosis in
795 hospitals licensed under chapter 395 and may provide for
796 appropriate placement of persons who have active tuberculosis in
797 one or more hospitals licensed under chapter 395 ~~other health~~
798 ~~care facilities or residential facilities.~~

799 (2) ~~The department may operate a licensed hospital for the~~
800 ~~care and treatment to cure of persons who have active~~
801 ~~tuberculosis. The hospital may have a forensic unit where, under~~
802 ~~medical protocol, a patient can be held in a secure or~~
803 ~~protective setting.~~ The department shall ~~also~~ seek to maximize
804 use of existing licensed ~~community~~ hospitals for the care and
805 treatment to cure of persons who have active tuberculosis.

806 (3) Any licensed hospital ~~operated by the department, any~~
807 ~~licensed hospital~~ under contract with the department, ~~and any~~
808 ~~other health care facility or residential facility operated by~~
809 ~~or under contract with the department~~ for the care and treatment
810 of patients who have active tuberculosis shall:

811 (a) Admit patients ~~voluntarily and~~ under court order as
 812 appropriate for each particular facility;

813 (b) Require that each patient pay the actual cost of care
 814 provided ~~whether the patient is admitted voluntarily or by court~~
 815 ~~order~~;

816 (c) Provide for a method of paying for the care of
 817 patients who cannot afford to do so;

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

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

825 (f) Provide for the necessary exchange of medical
 826 information to ensure ~~assure~~ adequate community treatment to
 827 cure and followup of discharged patients, as appropriate; and

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

831 (4) A hospital may, pursuant to court order, place a
 832 patient in temporary isolation for a period of no more than 72
 833 continuous hours. The department shall obtain a court order in
 834 the same manner as prescribed in s. 392.57. ~~Nothing in~~ This
 835 subsection does not preclude ~~precludes~~ a hospital from isolating
 836 an infectious patient for medical reasons.

837 (5) Any person committed under s. 392.57 who leaves the
 838 hospital designated by court order ~~tuberculosis hospital or~~

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839 ~~residential facility~~ without having been discharged by the
840 designated medical authority, except as provided in s. 392.63,
841 shall be apprehended by the sheriff of the county in which the
842 person is found and immediately delivered to the facility from
843 which he or she left.

844 Section 24. Section 392.69, Florida Statutes, is amended
845 to read:

846 392.69 Appropriation, sinking, and maintenance trust
847 funds; additional powers of the department.—

848 (1) The Legislature shall include in its annual
849 appropriations act a sufficient sum for the purpose of carrying
850 out the provisions of this chapter.

851 (2) All moneys required to be paid by the several counties
852 and patients for the care and maintenance of patients
853 hospitalized pursuant to court order ~~by the department~~ for
854 tuberculosis shall be paid to the department, and the department
855 shall immediately transmit these moneys to the Chief Financial
856 Officer, who shall deposit the moneys in the Operations and
857 Maintenance Trust Fund, which shall contain all moneys
858 appropriated by the Legislature or received from patients or
859 other third parties and shall be expended for the operation of
860 the department's hospitalization program as described in s.
861 392.62 ~~and maintenance of the state-operated tuberculosis~~
862 ~~hospital.~~

863 ~~(3) In the execution of its public health program~~
864 ~~functions, notwithstanding s. 216.292(2)(b)2., the department is~~
865 ~~hereby authorized to use any sums of money which it may~~
866 ~~heretofore have saved or which it may hereafter save from its~~

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867 ~~regular operating appropriation, or use any sums of money~~
868 ~~acquired by gift or grant, or any sums of money it may acquire~~
869 ~~by the issuance of revenue certificates of the hospital to match~~
870 ~~or supplement any state or federal funds, or any moneys received~~
871 ~~by said department by gift or otherwise, for the construction or~~
872 ~~maintenance of additional facilities or improvement to existing~~
873 ~~facilities, as the department deems necessary.~~

874 ~~(4) The department shall appoint an advisory board, which~~
875 ~~shall meet quarterly to review and make recommendations relating~~
876 ~~to patient care at A. G. Holley State Hospital. Members shall be~~
877 ~~appointed for terms of 3 years, with such appointments being~~
878 ~~staggered so that terms of no more than two members expire in~~
879 ~~any one year. Members shall serve without compensation, but they~~
880 ~~are entitled to be reimbursed for per diem and travel expenses~~
881 ~~under s. 112.061.~~

882 Section 25. Subsections (1) and (4) of section 395.1027,
883 Florida Statutes, are amended to read:

884 395.1027 Regional poison control centers.-

885 (1) There shall be created three certified regional poison
886 control centers, one each in the north, central, and southern
887 regions of the state. Each regional poison control center shall
888 be affiliated with and physically located in a certified Level I
889 trauma center. Each regional poison control center shall be
890 affiliated with an accredited medical school or college of
891 pharmacy. The regional poison control centers shall be
892 coordinated under the aegis of the Division of Children's
893 Medical Services ~~Prevention and Intervention~~ in the department.

894 (4) The Legislature hereby finds and declares that it is

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895 in the public interest to shorten the time required for a
896 citizen to request and receive directly from designated regional
897 poison control centers telephonic management advice for acute
898 poisoning emergencies. To facilitate rapid and direct access,
899 telephone numbers for designated regional poison control centers
900 shall be given special prominence. The local exchange
901 telecommunications companies shall print immediately below "911"
902 or other emergency calling instructions on the inside front
903 cover of the telephone directory the words "Poison Information
904 Center," the logo of the American Association of Poison Control
905 Centers, and the telephone number of the local, if applicable,
906 or, if not local, other toll-free telephone number of the
907 Florida Poison Information Center Network. This information
908 shall be outlined and be no less than 1 inch in height by 2
909 inches in width. Only those facilities satisfying criteria
910 established in the current "Criteria for Certification of a
911 Regional Poison Center" set by the American Association of
912 Poison Control Centers, and the "Standards of the Poison
913 Information Center Program" initiated by the Division of
914 Children's Medical Services ~~Prevention and Intervention~~ of the
915 Department of Health shall be permitted to list such facility as
916 a poison information center, poison control center, or poison
917 center. Those centers under a developmental phase-in plan shall
918 be given 2 years from the date of initial 24-hour service
919 implementation to comply with the aforementioned criteria and,
920 as such, will be permitted to be listed as a poison information
921 center, poison control center, or poison center during that
922 allotted time period.

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

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923 Section 26. Subsection (1) of section 400.914, Florida
 924 Statutes, is amended to read:

925 400.914 Rules establishing standards.—

926 (1) Pursuant to the intention of the Legislature to
 927 provide safe and sanitary facilities and healthful programs, the
 928 agency in conjunction with the Division of Children's Medical
 929 Services ~~Prevention and Intervention~~ of the Department of Health
 930 shall adopt and publish rules to implement the provisions of
 931 this part and part II of chapter 408, which shall include
 932 reasonable and fair standards. Any conflict between these
 933 standards and those that may be set forth in local, county, or
 934 city ordinances shall be resolved in favor of those having
 935 statewide effect. Such standards shall relate to:

936 (a) The assurance that PPEC services are family centered
 937 and provide individualized medical, developmental, and family
 938 training services.

939 (b) The maintenance of PPEC centers, not in conflict with
 940 the provisions of chapter 553 and based upon the size of the
 941 structure and number of children, relating to plumbing, heating,
 942 lighting, ventilation, and other building conditions, including
 943 adequate space, which will ensure the health, safety, comfort,
 944 and protection from fire of the children served.

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

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

949 (e) All sanitary conditions within the PPEC center and its
 950 surroundings, including water supply, sewage disposal, food

951 handling, and general hygiene, and maintenance thereof, which
 952 will ensure the health and comfort of children served.

953 (f) Programs and basic services promoting and maintaining
 954 the health and development of the children served and meeting
 955 the training needs of the children's legal guardians.

956 (g) Supportive, contracted, other operational, and
 957 transportation services.

958 (h) Maintenance of appropriate medical records, data, and
 959 information relative to the children and programs. Such records
 960 shall be maintained in the facility for inspection by the
 961 agency.

962 Section 27. Paragraph (d) of subsection (11) of section
 963 409.256, Florida Statutes, is amended to read:

964 409.256 Administrative proceeding to establish paternity
 965 or paternity and child support; order to appear for genetic
 966 testing.—

967 (11) FINAL ORDER ESTABLISHING PATERNITY OR PATERNITY AND
 968 CHILD SUPPORT; CONSENT ORDER; NOTICE TO OFFICE OF VITAL
 969 STATISTICS.—

970 (d) Upon rendering a final order of paternity or a final
 971 order of paternity and child support, the department shall
 972 notify the Bureau ~~Division~~ of Vital Statistics of the Department
 973 of Health that the paternity of the child has been established.

974 Section 28. Subsection (6) of section 415.1055, Florida
 975 Statutes, is amended to read:

976 415.1055 Notification to administrative entities.—

977 (6) If at any time during a protective investigation the
 978 department has reasonable cause to believe that professional

979 licensure violations have occurred, the department shall notify
 980 the Division of Health Care Regulation ~~Medical Quality Assurance~~
 981 within the Department of Health. This notification must be in
 982 writing.

983 Section 29. Subsections (1), (4), and (7) of section
 984 456.001, Florida Statutes, are amended to read:

985 456.001 Definitions.—As used in this chapter, the term:

986 (1) "Board" means any board or commission, or other
 987 statutorily created entity to the extent such entity is
 988 authorized to exercise regulatory or rulemaking functions,
 989 within the department, except that, for ss. 456.003-456.018,
 990 456.022, 456.023, 456.025-456.034, and 456.039-456.082, "board"
 991 means only a board, or other statutorily created entity to the
 992 extent such entity is authorized to exercise regulatory or
 993 rulemaking functions, within the Division of Health Care
 994 Regulation ~~Medical Quality Assurance~~.

995 (4) "Health care practitioner" means any person licensed
 996 under part III of chapter 401, chapter 457; chapter 458; chapter
 997 459; chapter 460; chapter 461; chapter 462; chapter 463; chapter
 998 464; chapter 465; chapter 466; chapter 467; part I, part II,
 999 part III, part V, part X, part XIII, or part XIV of chapter 468;
 1000 chapter 478; chapter 480; part III or part IV of chapter 483;
 1001 chapter 484; chapter 486; chapter 490; or chapter 491.

1002 (7) "Profession" means any activity, occupation,
 1003 profession, or vocation regulated by the department in the
 1004 Division of Health Care Regulation ~~Medical Quality Assurance~~.

1005 Section 30. Subsection (3) of section 456.011, Florida
 1006 Statutes, is amended to read:

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1007 456.011 Boards; organization; meetings; compensation and
1008 travel expenses.—

1009 (3) The board shall meet at least once annually and may
1010 meet as often as is necessary. Meetings shall be conducted
1011 through teleconferencing or other technological means, unless
1012 disciplinary hearings involving standard of care, sexual
1013 misconduct, fraud, impairment, or felony convictions; licensure
1014 denial hearings; or controversial rule hearings are being
1015 conducted; or unless otherwise approved in advance of the
1016 meeting by the director of the Division of Health Care
1017 Regulation ~~Medical Quality Assurance~~. The chairperson or a
1018 quorum of the board shall have the authority to call meetings,
1019 except as provided above relating to in-person meetings. A
1020 quorum shall be necessary for the conduct of official business
1021 by the board or any committee thereof. Unless otherwise provided
1022 by law, 51 percent or more of the appointed members of the board
1023 or any committee, when applicable, shall constitute a quorum.
1024 The membership of committees of the board, except as otherwise
1025 authorized pursuant to this chapter or the applicable practice
1026 act, shall be composed of currently appointed members of the
1027 board. The vote of a majority of the members of the quorum shall
1028 be necessary for any official action by the board or committee.
1029 Three consecutive unexcused absences or absences constituting 50
1030 percent or more of the board's meetings within any 12-month
1031 period shall cause the board membership of the member in
1032 question to become void, and the position shall be considered
1033 vacant. The board, or the department when there is no board,
1034 shall, by rule, define unexcused absences.

1035 Section 31. Subsections (6) and (10) of section 456.013,
 1036 Florida Statutes, are amended to read:
 1037 456.013 Department; general licensing provisions.—
 1038 (6) As a condition of renewal of a license, the Board of
 1039 Medicine, the Board of Osteopathic Medicine, the Board of
 1040 Chiropractic Medicine, and the Board of Podiatric Medicine shall
 1041 each require licensees which they respectively regulate to
 1042 periodically demonstrate their professional competency by
 1043 completing at least 40 hours of continuing education every 2
 1044 years. The boards may require by rule that up to 1 hour of the
 1045 required 40 or more hours be in the area of risk management or
 1046 cost containment. This provision shall not be construed to limit
 1047 the number of hours that a licensee may obtain in risk
 1048 management or cost containment to be credited toward satisfying
 1049 the 40 or more required hours. This provision shall not be
 1050 construed to require the boards to impose any requirement on
 1051 licensees except for the completion of at least 40 hours of
 1052 continuing education every 2 years. Each of such boards shall
 1053 determine whether any specific continuing education requirements
 1054 not otherwise mandated by law shall be mandated and shall
 1055 approve criteria for, and the content of, any continuing
 1056 education mandated by such board. Notwithstanding any other
 1057 provision of law, the board, or the department when there is no
 1058 board, may approve by rule alternative methods of obtaining
 1059 continuing education credits in risk management. The alternative
 1060 methods may include attending a board meeting at which another
 1061 licensee is disciplined, serving as a volunteer expert witness
 1062 for the department in a disciplinary case, or serving as a

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1063 member of a probable cause panel following the expiration of a
 1064 board member's term. Other boards within the Division of Health
 1065 Care Regulation ~~Medical Quality Assurance~~, or the department if
 1066 there is no board, may adopt rules granting continuing education
 1067 hours in risk management for attending a board meeting at which
 1068 another licensee is disciplined, for serving as a volunteer
 1069 expert witness for the department in a disciplinary case, or for
 1070 serving as a member of a probable cause panel following the
 1071 expiration of a board member's term.

1072 (10) Notwithstanding any law to the contrary, an elected
 1073 official who is licensed under a practice act administered by
 1074 the Division of Health Care Regulation ~~Medical Quality Assurance~~
 1075 may hold employment for compensation with any public agency
 1076 concurrent with such public service. Such dual service must be
 1077 disclosed according to any disclosure required by applicable
 1078 law.

1079 Section 32. Subsection (8) of section 456.025, Florida
 1080 Statutes, is amended to read:

1081 456.025 Fees; receipts; disposition.—

1082 (8) All moneys collected by the department from fees or
 1083 fines or from costs awarded to the agency by a court shall be
 1084 paid into a trust fund used by the department to implement this
 1085 chapter. The Legislature shall appropriate funds from this trust
 1086 fund sufficient to carry out this chapter and the provisions of
 1087 law with respect to professions regulated by the Division of
 1088 Health Care Regulation ~~Medical Quality Assurance~~ within the
 1089 department and the boards. The department may contract with
 1090 public and private entities to receive and deposit revenue

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1091 pursuant to this section. The department shall maintain separate
1092 accounts in the trust fund used by the department to implement
1093 this chapter for every profession within the department. To the
1094 maximum extent possible, the department shall directly charge
1095 all expenses to the account of each regulated profession. For
1096 the purpose of this subsection, direct charge expenses include,
1097 but are not limited to, costs for investigations, examinations,
1098 and legal services. For expenses that cannot be charged
1099 directly, the department shall provide for the proportionate
1100 allocation among the accounts of expenses incurred by the
1101 department in the performance of its duties with respect to each
1102 regulated profession. The regulation by the department of
1103 professions, as defined in this chapter, shall be financed
1104 solely from revenue collected by it from fees and other charges
1105 and deposited in the Health Care Regulation ~~Medical Quality~~
1106 ~~Assurance~~ Trust Fund, and all such revenue is hereby
1107 appropriated to the department. However, it is legislative
1108 intent that each profession shall operate within its anticipated
1109 fees. The department may not expend funds from the account of a
1110 profession to pay for the expenses incurred on behalf of another
1111 profession, except that the Board of Nursing must pay for any
1112 costs incurred in the regulation of certified nursing
1113 assistants. The department shall maintain adequate records to
1114 support its allocation of agency expenses. The department shall
1115 provide any board with reasonable access to these records upon
1116 request. On or before October 1 of each year, the department
1117 shall provide each board an annual report of revenue and direct
1118 and allocated expenses related to the operation of that

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1119 | profession. The board shall use these reports and the
1120 | department's adopted long-range plan to determine the amount of
1121 | license fees. A condensed version of this information, with the
1122 | department's recommendations, shall be included in the annual
1123 | report to the Legislature prepared under s. 456.026.

1124 | Section 33. Subsection (1) of section 456.032, Florida
1125 | Statutes, is amended to read:

1126 | 456.032 Hepatitis B or HIV carriers.—

1127 | (1) The department and each appropriate board within the
1128 | Division of Health Care Regulation ~~Medical Quality Assurance~~
1129 | shall have the authority to establish procedures to handle,
1130 | counsel, and provide other services to health care professionals
1131 | within their respective boards who are infected with hepatitis B
1132 | or the human immunodeficiency virus.

1133 | Section 34. Subsection (1) of section 456.037, Florida
1134 | Statutes, is amended to read:

1135 | 456.037 Business establishments; requirements for active
1136 | status licenses; delinquency; discipline; applicability.—

1137 | (1) A business establishment regulated by the Division of
1138 | Health Care Regulation ~~Medical Quality Assurance~~ pursuant to
1139 | this chapter may provide regulated services only if the business
1140 | establishment has an active status license. A business
1141 | establishment that provides regulated services without an active
1142 | status license is in violation of this section and s. 456.072,
1143 | and the board, or the department if there is no board, may
1144 | impose discipline on the business establishment.

1145 | Section 35. Section 456.061, Florida Statutes, is amended
1146 | to read:

1147 456.061 Practitioner disclosure of confidential
 1148 information; immunity from civil or criminal liability.—

1149 (1) A practitioner regulated through the Division of
 1150 Health Care Regulation ~~Medical Quality Assurance~~ of the
 1151 department shall not be civilly or criminally liable for the
 1152 disclosure of otherwise confidential information to a sexual
 1153 partner or a needle-sharing partner under the following
 1154 circumstances:

1155 (a) If a patient of the practitioner who has tested
 1156 positive for human immunodeficiency virus discloses to the
 1157 practitioner the identity of a sexual partner or a needle-
 1158 sharing partner;

1159 (b) The practitioner recommends the patient notify the
 1160 sexual partner or the needle-sharing partner of the positive
 1161 test and refrain from engaging in sexual or drug activity in a
 1162 manner likely to transmit the virus and the patient refuses, and
 1163 the practitioner informs the patient of his or her intent to
 1164 inform the sexual partner or needle-sharing partner; and

1165 (c) If pursuant to a perceived civil duty or the ethical
 1166 guidelines of the profession, the practitioner reasonably and in
 1167 good faith advises the sexual partner or the needle-sharing
 1168 partner of the patient of the positive test and facts concerning
 1169 the transmission of the virus.

1170
 1171 However, any notification of a sexual partner or a needle-
 1172 sharing partner pursuant to this section shall be done in
 1173 accordance with protocols developed pursuant to rule of the
 1174 Department of Health.

1175 (2) Notwithstanding the foregoing, a practitioner
 1176 regulated through the Division of Health Care Regulation ~~Medical~~
 1177 ~~Quality Assurance~~ of the department shall not be civilly or
 1178 criminally liable for failure to disclose information relating
 1179 to a positive test result for human immunodeficiency virus of a
 1180 patient to a sexual partner or a needle-sharing partner.

1181 Section 36. Subsection (3) of section 456.065, Florida
 1182 Statutes, is amended to read:

1183 456.065 Unlicensed practice of a health care profession;
 1184 intent; cease and desist notice; penalties; enforcement;
 1185 citations; fees; allocation and disposition of moneys
 1186 collected.—

1187 (3) Because all enforcement costs should be covered by
 1188 professions regulated by the department, the department shall
 1189 impose, upon initial licensure and each licensure renewal, a
 1190 special fee of \$5 per licensee to fund efforts to combat
 1191 unlicensed activity. Such fee shall be in addition to all other
 1192 fees collected from each licensee. The department shall make
 1193 direct charges to the Health Care Regulation ~~Medical Quality~~
 1194 ~~Assurance~~ Trust Fund by profession. The department shall seek
 1195 board advice regarding enforcement methods and strategies. The
 1196 department shall directly credit the Health Care Regulation
 1197 ~~Medical Quality Assurance~~ Trust Fund, by profession, with the
 1198 revenues received from the department's efforts to enforce
 1199 licensure provisions. The department shall include all financial
 1200 and statistical data resulting from unlicensed activity
 1201 enforcement as a separate category in the quarterly management
 1202 report provided for in s. 456.025. For an unlicensed activity

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1203 account, a balance which remains at the end of a renewal cycle
 1204 may, with concurrence of the applicable board and the
 1205 department, be transferred to the operating fund account of that
 1206 profession. The department shall also use these funds to inform
 1207 and educate consumers generally on the importance of using
 1208 licensed health care practitioners.

1209 Section 37. Paragraph (k) of subsection (1) of section
 1210 456.072, Florida Statutes, is amended to read:

1211 456.072 Grounds for discipline; penalties; enforcement.—

1212 (1) The following acts shall constitute grounds for which
 1213 the disciplinary actions specified in subsection (2) may be
 1214 taken:

1215 (k) Failing to perform any statutory or legal obligation
 1216 placed upon a licensee. For purposes of this section, failing to
 1217 repay a student loan issued or guaranteed by the state or the
 1218 Federal Government in accordance with the terms of the loan or
 1219 failing to comply with service scholarship obligations shall be
 1220 considered a failure to perform a statutory or legal obligation,
 1221 and the minimum disciplinary action imposed shall be a
 1222 suspension of the license until new payment terms are agreed
 1223 upon or the scholarship obligation is resumed, followed by
 1224 probation for the duration of the student loan or remaining
 1225 scholarship obligation period, and a fine equal to 10 percent of
 1226 the defaulted loan amount. Fines collected shall be deposited
 1227 into the Health Care Regulation ~~Medical Quality Assurance~~ Trust
 1228 Fund.

1229 Section 38. Subsection (2) and paragraph (a) of subsection
 1230 (3) of section 456.076, Florida Statutes, is amended to read:

1231 456.076 Treatment programs for impaired practitioners.—
 1232 (2) The department shall retain one or more impaired
 1233 practitioner consultants. The consultant shall be a licensee
 1234 under the jurisdiction of the Division of Health Care Regulation
 1235 ~~Medical Quality Assurance~~ within the department who must be a
 1236 practitioner or recovered practitioner licensed under chapter
 1237 458, chapter 459, or part I of chapter 464, or an entity
 1238 employing a medical director who must be a practitioner or
 1239 recovered practitioner licensed under chapter 458, chapter 459,
 1240 or part I of chapter 464. The consultant shall assist the
 1241 probable cause panel and department in carrying out the
 1242 responsibilities of this section. This shall include working
 1243 with department investigators to determine whether a
 1244 practitioner is, in fact, impaired. The consultant may contract
 1245 for services to be provided, for appropriate compensation, if
 1246 requested by the school, for students enrolled in schools for
 1247 licensure as allopathic physicians or physician assistants under
 1248 chapter 458, osteopathic physicians or physician assistants
 1249 under chapter 459, nurses under chapter 464, or pharmacists
 1250 under chapter 465 who are alleged to be impaired as a result of
 1251 the misuse or abuse of alcohol or drugs, or both, or due to a
 1252 mental or physical condition. The department is not responsible
 1253 under any circumstances for paying the costs of care provided by
 1254 approved treatment providers, and the department is not
 1255 responsible for paying the costs of consultants' services
 1256 provided for students. A medical school accredited by the
 1257 Liaison Committee on Medical Education of the Commission on
 1258 Osteopathic College Accreditation, or other school providing for

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1259 the education of students enrolled in preparation for licensure
 1260 as allopathic physicians under chapter 458 or osteopathic
 1261 physicians under chapter 459, which is governed by accreditation
 1262 standards requiring notice and the provision of due process
 1263 procedures to students, is not liable in any civil action for
 1264 referring a student to the consultant retained by the department
 1265 or for disciplinary actions that adversely affect the status of
 1266 a student when the disciplinary actions are instituted in
 1267 reasonable reliance on the recommendations, reports, or
 1268 conclusions provided by such consultant, if the school, in
 1269 referring the student or taking disciplinary action, adheres to
 1270 the due process procedures adopted by the applicable
 1271 accreditation entities and if the school committed no
 1272 intentional fraud in carrying out the provisions of this
 1273 section.

1274 (3) (a) Whenever the department receives a written or oral
 1275 legally sufficient complaint alleging that a licensee under the
 1276 jurisdiction of the Division of Health Care Regulation ~~Medical~~
 1277 ~~Quality Assurance~~ within the department is impaired as a result
 1278 of the misuse or abuse of alcohol or drugs, or both, or due to a
 1279 mental or physical condition which could affect the licensee's
 1280 ability to practice with skill and safety, and no complaint
 1281 against the licensee other than impairment exists, the reporting
 1282 of such information shall not constitute grounds for discipline
 1283 pursuant to s. 456.072 or the corresponding grounds for
 1284 discipline within the applicable practice act if the probable
 1285 cause panel of the appropriate board, or the department when
 1286 there is no board, finds:

1287 1. The licensee has acknowledged the impairment problem.

1288 2. The licensee has voluntarily enrolled in an
1289 appropriate, approved treatment program.

1290 3. The licensee has voluntarily withdrawn from practice or
1291 limited the scope of practice as required by the consultant, in
1292 each case, until such time as the panel, or the department when
1293 there is no board, is satisfied the licensee has successfully
1294 completed an approved treatment program.

1295 4. The licensee has executed releases for medical records,
1296 authorizing the release of all records of evaluations,
1297 diagnoses, and treatment of the licensee, including records of
1298 treatment for emotional or mental conditions, to the consultant.
1299 The consultant shall make no copies or reports of records that
1300 do not regard the issue of the licensee's impairment and his or
1301 her participation in a treatment program.

1302 Section 39. Subsection (8) of section 458.331, Florida
1303 Statutes, is amended to read:

1304 458.331 Grounds for disciplinary action; action by the
1305 board and department.—

1306 (8) If any physician regulated by the Division of Health
1307 Care Regulation ~~Medical Quality Assurance~~ is guilty of such
1308 unprofessional conduct, negligence, or mental or physical
1309 incapacity or impairment that the division determines that the
1310 physician is unable to practice with reasonable skill and safety
1311 and presents a danger to patients, the division shall be
1312 authorized to maintain an action in circuit court enjoining such
1313 physician from providing medical services to the public until
1314 the physician demonstrates the ability to practice with

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1315 reasonable skill and safety and without danger to patients.

1316 Section 40. Subsection (8) of section 459.015, Florida
1317 Statutes, is amended to read:

1318 459.015 Grounds for disciplinary action; action by the
1319 board and department.—

1320 (8) If any osteopathic physician regulated by the Division
1321 of Health Care Regulation ~~Medical Quality Assurance~~ is guilty of
1322 such unprofessional conduct, negligence, or mental or physical
1323 incapacity or impairment that the division determines that the
1324 osteopathic physician is unable to practice with reasonable
1325 skill and safety and presents a danger to patients, the division
1326 shall be authorized to maintain an action in circuit court
1327 enjoining such osteopathic physician from providing medical
1328 services to the public until the osteopathic physician
1329 demonstrates the ability to practice with reasonable skill and
1330 safety and without danger to patients.

1331 Section 41. Section 462.09, Florida Statutes, is amended
1332 to read:

1333 462.09 Disposition of fees.—All fees received under this
1334 chapter shall be deposited into the Health Care Regulation
1335 ~~Medical Quality Assurance~~ Trust Fund. The Legislature shall
1336 appropriate funds from this trust fund sufficient to carry out
1337 the provisions of this chapter. The department shall prepare and
1338 submit a proposed budget in accordance with law.

1339 Section 42. Subsection (3) of section 464.0195, Florida
1340 Statutes, is amended to read:

1341 464.0195 Florida Center for Nursing; goals.—

1342 (3) The Board of Nursing shall include on its initial and

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1343 renewal application forms a question asking each nurse to
1344 voluntarily contribute to funding the Florida Center for Nursing
1345 in addition to paying the fees imposed at the time of licensure
1346 and licensure renewal. Revenues collected from nurses over and
1347 above the required fees shall be transferred from the Health
1348 Care Regulation ~~Medical Quality Assurance~~ Trust Fund to the
1349 Grants and Donations Trust Fund within the Department of Health
1350 and shall be used solely to support and maintain the goals and
1351 functions of the center. Before giving a nurse the opportunity
1352 to contribute to funding the center at the time of licensure
1353 renewal, the Board of Nursing shall provide the nurse with a
1354 summary of the center's work, a link to the center's Internet
1355 website, and the following statement: "The Florida Center for
1356 Nursing's operating revenues are derived in part from your
1357 donation. In order for the Florida Center for Nursing to
1358 continue its work on behalf of nurses, please donate."

1359 Section 43. Section 467.0135, Florida Statutes, is amended
1360 to read:

1361 467.0135 Fees.—The department shall establish fees for
1362 application, examination, initial licensure, renewal of
1363 licensure, licensure by endorsement, inactive status, delinquent
1364 status, and reactivation of an inactive license. The appropriate
1365 fee must be paid at the time of application and is payable to
1366 the Department of Health, in accordance with rules adopted by
1367 the department. A fee is nonrefundable, unless otherwise
1368 provided by rule. A fee may not exceed:

1369 (1) Five hundred dollars for examination.

1370 (2) Five hundred dollars for initial licensure.

1371 (3) Five hundred dollars for renewal of licensure.
 1372 (4) Two hundred dollars for application, which fee is
 1373 nonrefundable.
 1374 (5) Five hundred dollars for reactivation of an inactive
 1375 license.
 1376 (6) Five hundred dollars for licensure by endorsement.
 1377
 1378 A fee for inactive status, reactivation of an inactive license,
 1379 or delinquency may not exceed the fee established by the
 1380 department for biennial renewal of an active license. All fees
 1381 collected under this section shall be deposited in the Health
 1382 Care Regulation ~~Medical Quality Assurance~~ Trust Fund.
 1383 Section 44. Section 458.346, Florida Statutes, is
 1384 repealed.
 1385 Section 45. Section 474.221, Florida Statutes, is amended
 1386 to read:
 1387 474.221 Impaired practitioner provisions; applicability.-
 1388 Notwithstanding the transfer of the Division of Health Care
 1389 Regulation ~~Medical Quality Assurance~~ to the Department of Health
 1390 or any other provision of law to the contrary, veterinarians
 1391 licensed under this chapter shall be governed by the treatment
 1392 of impaired practitioner provisions of s. 456.076 as if they
 1393 were under the jurisdiction of the Division of Health Care
 1394 Regulation ~~Medical Quality Assurance~~, except that for
 1395 veterinarians the Department of Business and Professional
 1396 Regulation shall, at its option, exercise any of the powers
 1397 granted to the Department of Health by that section, and "board"
 1398 shall mean board as defined in this chapter.

1399 Section 46. Subsection (5) of section 480.044, Florida
 1400 Statutes, is amended to read:

1401 480.044 Fees; disposition.—

1402 (5) All moneys collected by the department from fees
 1403 authorized by this act shall be paid into the Health Care
 1404 Regulation ~~Medical Quality Assurance~~ Trust Fund in the
 1405 department and shall be applied in accordance with the
 1406 provisions of s. 456.025. The Legislature may appropriate any
 1407 excess moneys from this fund to the General Revenue Fund.

1408 Section 47. Paragraph (j) of subsection (4) and subsection
 1409 (8) of section 483.901, Florida Statutes, is amended to read:

1410 483.901 Medical physicists; definitions; licensure.—

1411 (4) COUNCIL.—The Advisory Council of Medical Physicists is
 1412 created in the Department of Health to advise the department in
 1413 regulating the practice of medical physics in this state.

1414 (j) Members of the council may not receive compensation
 1415 for their services; however, they are entitled to reimbursement,
 1416 from funds deposited in the Health Care Regulation ~~Medical~~
 1417 ~~Quality Assurance~~ Trust Fund, for necessary travel expenses as
 1418 specified in s. 112.061 for each day they engage in the business
 1419 of the council.

1420 (8) DISPOSITION OF FEES.—The department shall deposit all
 1421 funds received into the Health Care Regulation ~~Medical Quality~~
 1422 ~~Assurance~~ Trust Fund.

1423 Section 48. Subsection (2) of section 490.0085, Florida
 1424 Statutes, is amended to read:

1425 490.0085 Continuing education; approval of providers,
 1426 programs, and courses; proof of completion.—

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1427 (2) The department or, in the case of psychologists, the
1428 board has the authority to set a fee not to exceed \$500 for each
1429 applicant who applies for or renews provider status. Such fees
1430 shall be deposited into the Health Care Regulation ~~Medical~~
1431 ~~Quality Assurance~~ Trust Fund.

1432 Section 49. Subsection (2) of section 491.0085, Florida
1433 Statutes, is amended to read:

1434 491.0085 Continuing education and laws and rules courses;
1435 approval of providers, programs, and courses; proof of
1436 completion.—

1437 (2) The department or the board has the authority to set a
1438 fee not to exceed \$200 for each applicant who applies for or
1439 renews provider status. Such fees shall be deposited into the
1440 Health Care Regulation ~~Medical Quality Assurance~~ Trust Fund.

1441 Section 50. Subsection (2) of section 553.73, Florida
1442 Statutes, is amended to read:

1443 553.73 Florida Building Code.—

1444 (2) The Florida Building Code shall contain provisions or
1445 requirements for public and private buildings, structures, and
1446 facilities relative to structural, mechanical, electrical,
1447 plumbing, sanitation, energy, and gas systems, existing
1448 buildings, historical buildings, manufactured buildings,
1449 elevators, coastal construction, lodging facilities, food sales
1450 and food service facilities, health care facilities, including
1451 assisted living facilities, adult day care facilities, hospice
1452 residential and inpatient facilities and units, and facilities
1453 for the control of radiation hazards, public or private
1454 educational facilities, swimming pools, and correctional

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1455 facilities and enforcement of and compliance with such
1456 provisions or requirements. Further, the Florida Building Code
1457 must provide for uniform implementation of ss. 515.25, 515.27,
1458 and 515.29 by including standards and criteria for residential
1459 swimming pool barriers, pool covers, latching devices, door and
1460 window exit alarms, and other equipment required therein, which
1461 are consistent with the intent of s. 515.23. Technical
1462 provisions to be contained within the Florida Building Code are
1463 restricted to requirements related to the types of materials
1464 used and construction methods and standards employed in order to
1465 meet criteria specified in the Florida Building Code. Provisions
1466 relating to the personnel, supervision or training of personnel,
1467 or any other professional qualification requirements relating to
1468 contractors or their workforce may not be included within the
1469 Florida Building Code, and subsections (4), (6), (7), (8), and
1470 (9) are not to be construed to allow the inclusion of such
1471 provisions within the Florida Building Code by amendment. This
1472 restriction applies to both initial development and amendment of
1473 the Florida Building Code.

1474 Section 51. Subsections (1) and (2) of section 633.115,
1475 Florida Statutes, are amended to read:

1476 633.115 Fire and Emergency Incident Information Reporting
1477 Program; duties; fire reports.—

1478 (1) (a) The Fire and Emergency Incident Information
1479 Reporting Program is created within the Division of State Fire
1480 Marshal. The program shall:

1481 1. Establish and maintain an electronic communication
1482 system capable of transmitting fire and emergency incident

1483 information to and between fire protection agencies.

1484 2. Initiate a Fire and Emergency Incident Information

1485 Reporting System that shall be responsible for:

1486 a. Receiving fire and emergency incident information from

1487 fire protection agencies.

1488 b. Preparing and disseminating annual reports to the

1489 Governor, the President of the Senate, the Speaker of the House

1490 of Representatives, fire protection agencies, and, upon request,

1491 the public. Each report shall include, but not be limited to,

1492 the information listed in the National Fire Incident Reporting

1493 System.

1494 c. Upon request, providing other states and federal

1495 agencies with fire and emergency incident data of this state.

1496 3. Adopt rules to effectively and efficiently implement,

1497 administer, manage, maintain, and use the Fire and Emergency

1498 Incident Information Reporting Program. The rules shall be

1499 considered minimum requirements and shall not preclude a fire

1500 protection agency from implementing its own requirements which

1501 shall not conflict with the rules of the Division of State Fire

1502 Marshal.

1503 4. By rule, establish procedures and a format for each

1504 fire protection agency to voluntarily monitor its records and

1505 submit reports to the program.

1506 5. Establish an electronic information database which is

1507 accessible and searchable by fire protection agencies.

1508 (b) The Division of State Fire Marshal shall consult with

1509 the Division of Forestry of the Department of Agriculture and

1510 Consumer Services and the Bureau of Emergency Preparedness and

1511 Response ~~Medical Services~~ of the Department of Health to
 1512 coordinate data, ensure accuracy of the data, and limit
 1513 duplication of efforts in data collection, analysis, and
 1514 reporting.

1515 (2) The Fire and Emergency Incident Information System
 1516 Technical Advisory Panel is created within the Division of State
 1517 Fire Marshal. The panel shall advise, review, and recommend to
 1518 the State Fire Marshal with respect to the requirements of this
 1519 section. The membership of the panel shall consist of the
 1520 following 15 members:

1521 (a) The current 13 members of the Firefighters Employment,
 1522 Standards, and Training Council as established in s. 633.31.

1523 (b) One member from the Division of Forestry of the
 1524 Department of Agriculture and Consumer Services, appointed by
 1525 the division director.

1526 (c) One member from the Bureau of Emergency Preparedness
 1527 and Response ~~Medical Services~~ of the Department of Health,
 1528 appointed by the bureau chief.

1529 Section 52. Section 766.113, Florida Statutes, is amended
 1530 to read:

1531 766.113 Settlement agreements; prohibition on restricting
 1532 disclosure to Division of Health Care Regulation ~~Medical Quality~~
 1533 ~~Assurance~~.—

1534 (1) Each final settlement agreement relating to medical
 1535 negligence shall include the following statement: "The decision
 1536 to settle a case may reflect the economic practicalities
 1537 pertaining to the cost of litigation and is not, alone, an
 1538 admission that the insured failed to meet the required standard

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1539 of care applicable to the patient's treatment. The decision to
1540 settle a case may be made by the insurance company without
1541 consulting its client for input, unless otherwise provided by
1542 the insurance policy."

1543 (2) A settlement agreement involving a claim for medical
1544 negligence shall not prohibit any party to the agreement from
1545 discussing with or reporting to the Division of Health Care
1546 Regulation ~~Medical Quality Assurance~~ the events giving rise to
1547 the claim.

1548 Section 53. Paragraph (a) of subsection (5) of section
1549 766.206, Florida Statutes, is amended to read:

1550 766.206 Presuit investigation of medical negligence claims
1551 and defenses by court.—

1552 (5) (a) If the court finds that the corroborating written
1553 medical expert opinion attached to any notice of claim or intent
1554 or to any response rejecting a claim lacked reasonable
1555 investigation or that the medical expert submitting the opinion
1556 did not meet the expert witness qualifications as set forth in
1557 s. 766.102(5), the court shall report the medical expert issuing
1558 such corroborating opinion to the Division of Health Care
1559 Regulation ~~Medical Quality Assurance~~ or its designee. If such
1560 medical expert is not a resident of the state, the division
1561 shall forward such report to the disciplining authority of that
1562 medical expert.

1563 Section 54. Subsections (2) and (5) of section 766.305,
1564 Florida Statutes, are amended to read:

1565 766.305 Filing of claims and responses; medical
1566 disciplinary review.—

1567 (2) The claimant shall furnish the division with as many
 1568 copies of the petition as required for service upon the
 1569 association, any physician and hospital named in the petition,
 1570 and the Division of Health Care Regulation ~~Medical Quality~~
 1571 ~~Assurance~~, along with a \$15 filing fee payable to the Division
 1572 of Administrative Hearings. Upon receipt of the petition, the
 1573 division shall immediately serve the association, by service
 1574 upon the agent designated to accept service on behalf of the
 1575 association, by registered or certified mail, and shall mail
 1576 copies of the petition, by registered or certified mail, to any
 1577 physician, health care provider, and hospital named in the
 1578 petition, and shall furnish a copy by regular mail to the
 1579 Division of Health Care Regulation ~~Medical Quality Assurance~~ and
 1580 the Agency for Health Care Administration.

1581 (5) Upon receipt of such petition, the Division of Health
 1582 Care Regulation ~~Medical Quality Assurance~~ shall review the
 1583 information therein and determine whether it involved conduct by
 1584 a physician licensed under chapter 458 or an osteopathic
 1585 physician licensed under chapter 459 that is subject to
 1586 disciplinary action, in which case the provisions of s. 456.073
 1587 shall apply.

1588 Section 55. Paragraph (c) of subsection (10) of section
 1589 768.28, Florida Statutes, is amended to read:

1590 768.28 Waiver of sovereign immunity in tort actions;
 1591 recovery limits; limitation on attorney fees; statute of
 1592 limitations; exclusions; indemnification; risk management
 1593 programs.—

1594 (10)

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1595 (c) For purposes of this section, regional poison control
1596 centers created in accordance with s. 395.1027 and coordinated
1597 and supervised under the Division of Children's Medical Services
1598 ~~Prevention and Intervention~~ of the Department of Health, or any
1599 of their employees or agents, shall be considered agents of the
1600 State of Florida, Department of Health. Any contracts with
1601 poison control centers must provide, to the extent permitted by
1602 law, for the indemnification of the state by the agency for any
1603 liabilities incurred up to the limits set out in this chapter.

1604 Section 56. Subsections (4), (5), (6), (8), (9), (10),
1605 (11), and (12) of section 1009.66, Florida Statutes, are amended
1606 to read:

1607 1009.66 Nursing Student Loan Forgiveness Program.—

1608 (4) From the funds available, the Department of Education
1609 ~~Health~~ may make loan principal repayments of up to \$4,000 a year
1610 for up to 4 years on behalf of selected graduates of an
1611 accredited or approved nursing program. All repayments shall be
1612 contingent upon continued proof of employment in the designated
1613 facilities in this state and shall be made directly to the
1614 holder of the loan. The state shall bear no responsibility for
1615 the collection of any interest charges or other remaining
1616 balance. In the event that the designated facilities are
1617 changed, a nurse shall continue to be eligible for loan
1618 forgiveness as long as he or she continues to work in the
1619 facility for which the original loan repayment was made and
1620 otherwise meets all conditions of eligibility.

1621 (5) There is created the Nursing Student Loan Forgiveness
1622 Trust Fund to be administered by the Department of Education

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1623 ~~Health~~ pursuant to this section and s. 1009.67 and department
 1624 rules. The Chief Financial Officer shall authorize expenditures
 1625 from the trust fund upon receipt of vouchers approved by the
 1626 Department of Education ~~Health~~. All moneys collected from the
 1627 private health care industry and other private sources for the
 1628 purposes of this section shall be deposited into the Nursing
 1629 Student Loan Forgiveness Trust Fund. Any balance in the trust
 1630 fund at the end of any fiscal year shall remain therein and
 1631 shall be available for carrying out the purposes of this section
 1632 and s. 1009.67.

1633 (6) In addition to licensing fees imposed under part I of
 1634 chapter 464, there is hereby levied and imposed an additional
 1635 fee of \$5, which fee shall be paid upon licensure or renewal of
 1636 nursing licensure. Revenues collected from the fee imposed in
 1637 this subsection shall be deposited in the Nursing Student Loan
 1638 Forgiveness Trust Fund of the Department of Education ~~Health~~ and
 1639 will be used solely for the purpose of carrying out the
 1640 provisions of this section and s. 1009.67. Up to 50 percent of
 1641 the revenues appropriated to implement this subsection may be
 1642 used for the nursing scholarship program established pursuant to
 1643 s. 1009.67.

1644 ~~(8) The Department of Health may solicit technical~~
 1645 ~~assistance relating to the conduct of this program from the~~
 1646 ~~Department of Education.~~

1647 (8) ~~(9)~~ The Department of Education ~~Health~~ is authorized to
 1648 recover from the Nursing Student Loan Forgiveness Trust Fund its
 1649 costs for administering the Nursing Student Loan Forgiveness
 1650 Program.

1651 (9)~~(10)~~ The Department of Education ~~Health~~ may adopt rules
 1652 necessary to administer this program.

1653 (10)~~(11)~~ This section shall be implemented only as
 1654 specifically funded.

1655 (11)~~(12)~~ Students receiving a nursing scholarship pursuant
 1656 to s. 1009.67 are not eligible to participate in the Nursing
 1657 Student Loan Forgiveness Program.

1658 Section 57. Section 1009.67, Florida Statutes, is amended
 1659 to read:

1660 1009.67 Nursing scholarship program.—

1661 (1) There is established within the Department of
 1662 Education ~~Health~~ a scholarship program for the purpose of
 1663 attracting capable and promising students to the nursing
 1664 profession.

1665 (2) A scholarship applicant shall be enrolled in an
 1666 approved nursing program leading to the award of an associate
 1667 degree, a baccalaureate degree, or a graduate degree in nursing.

1668 (3) A scholarship may be awarded for no more than 2 years,
 1669 in an amount not to exceed \$8,000 per year. However, registered
 1670 nurses pursuing a graduate degree for a faculty position or to
 1671 practice as an advanced registered nurse practitioner may
 1672 receive up to \$12,000 per year. These amounts shall be adjusted
 1673 by the amount of increase or decrease in the consumer price
 1674 index for urban consumers published by the United States
 1675 Department of Commerce.

1676 (4) Credit for repayment of a scholarship shall be as
 1677 follows:

1678 (a) For each full year of scholarship assistance, the

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1679 recipient agrees to work for 12 months in a faculty position in
1680 a college of nursing or Florida College System institution
1681 nursing program in this state or at a health care facility in a
1682 medically underserved area as designated ~~approved~~ by the
1683 Department of Health. Scholarship recipients who attend school
1684 on a part-time basis shall have their employment service
1685 obligation prorated in proportion to the amount of scholarship
1686 payments received.

1687 (b) Eligible health care facilities include nursing homes
1688 and hospitals in this state, state-operated medical or health
1689 care facilities, public schools, county health departments,
1690 federally sponsored community health centers, colleges of
1691 nursing in universities in this state, and Florida College
1692 System institution nursing programs in this state, family
1693 practice teaching hospitals as defined in s. 395.805, or
1694 specialty children's hospitals as described in s. 409.9119. The
1695 recipient shall be encouraged to complete the service obligation
1696 at a single employment site. If continuous employment at the
1697 same site is not feasible, the recipient may apply to the
1698 department for a transfer to another approved health care
1699 facility.

1700 (c) Any recipient who does not complete an appropriate
1701 program of studies, who does not become licensed, who does not
1702 accept employment as a nurse at an approved health care
1703 facility, or who does not complete 12 months of approved
1704 employment for each year of scholarship assistance received
1705 shall repay to the Department of Education ~~Health~~, on a schedule
1706 to be determined by the department, the entire amount of the

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1707 scholarship plus 18 percent interest accruing from the date of
1708 the scholarship payment. Moneys repaid shall be deposited into
1709 the Nursing Student Loan Forgiveness Trust Fund established in
1710 s. 1009.66. However, the department may provide additional time
1711 for repayment if the department finds that circumstances beyond
1712 the control of the recipient caused or contributed to the
1713 default.

1714 (5) Scholarship payments shall be transmitted to the
1715 recipient upon receipt of documentation that the recipient is
1716 enrolled in an approved nursing program. The Department of
1717 Education ~~Health~~ shall develop a formula to prorate payments to
1718 scholarship recipients so as not to exceed the maximum amount
1719 per academic year.

1720 (6) The Department of Education ~~Health~~ shall adopt rules,
1721 including rules to address extraordinary circumstances that may
1722 cause a recipient to default on either the school enrollment or
1723 employment contractual agreement, to implement this section.

1724 (7) The Department of Education ~~Health~~ may recover from
1725 the Nursing Student Loan Forgiveness Trust Fund its costs for
1726 administering the nursing scholarship program.

1727 Section 58. Department of Health; type two transfer.-

1728 (1) All powers, duties, functions, records, offices,
1729 personnel, associated administrative support positions,
1730 property, pending issues, existing contracts, administrative
1731 authority, administrative rules, and unexpended balances of
1732 appropriations, allocations, and other funds relating to the
1733 Nursing Student Loan Forgiveness Program and the nursing
1734 scholarship program in the Department of Health are transferred

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1735 by type two transfers, as defined in s. 20.06(2), Florida
1736 Statutes, to the Department of Education.

1737 (2) The Nursing Student Loan Forgiveness Trust Fund is
1738 transferred from the Department of Health to the Department of
1739 Education.

1740 (3) Any binding contract or interagency agreement related
1741 to the Nursing Student Loan Forgiveness Program existing before
1742 July 1, 2012, between the Department of Health, or an entity or
1743 agent of the agency, and any other agency, entity, or person
1744 shall continue as a binding contract or agreement for the
1745 remainder of the term of such contract or agreement on the
1746 successor department, agency, or entity responsible for the
1747 program, activity, or functions relative to the contract or
1748 agreement.

1749 (4) Notwithstanding s. 216.292 and pursuant to s. 216.351,
1750 Florida Statutes, upon approval by the Legislative Budget
1751 Commission, the Executive Office of the Governor may transfer
1752 funds and positions between agencies to implement this act.

1753 (5) The transfer of any program, activity, duty, or
1754 function under this act includes the transfer of any records and
1755 unexpended balances of appropriations, allocations, or other
1756 funds related to such program, activity, duty, or function.
1757 Unless otherwise provided, the successor organization to any
1758 program, activity, duty, or function transferred under this act
1759 shall become the custodian of any property of the organization
1760 that was responsible for the program, activity, duty, or
1761 function immediately before the transfer.

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1762 Section 59. In the interim between this act becoming law
1763 and the 2013 Regular Session of the Legislature or an earlier
1764 special session addressing this issue, the Division of Statutory
1765 Revision shall provide the relevant substantive committees of
1766 the Senate and the House of Representatives with assistance,
1767 upon request, to enable such committees to prepare draft
1768 legislation to conform the Florida Statutes and any legislation
1769 enacted during the 2012 legislative session to the provisions of
1770 this act.

1771 Section 60. This act shall take effect May 1, 2012.