

1 A bill to be entitled
2 An act relating to the Department of Health; amending
3 s. 20.43, F.S.; revising the purpose of the
4 department; revising duties of the State Surgeon
5 General; eliminating the Officer of Women's Health
6 Strategy; revising divisions within the department;
7 amending s. 20.435, F.S.; eliminating the Florida
8 Drug, Device, and Cosmetic Trust Fund and the Nursing
9 Student Loan Forgiveness Trust Fund as trust funds
10 under the department; amending s. 215.5602, F.S.;
11 conforming references; amending s. 381.001, F.S.;
12 revising legislative intent; requiring the Department
13 of Health to be responsible for the state public
14 health system; requiring the department to provide
15 leadership for a partnership involving federal, state,
16 and local government and the private sector to
17 accomplish public health goals; amending s. 381.0011,
18 F.S.; deleting duties and powers of the department;
19 repealing s. 381.0013, F.S., relating to the
20 department's authority to exercise the power of
21 eminent domain; repealing s. 381.0014, F.S., relating
22 to department rules that superseded regulations and
23 ordinances enacted by other state departments, boards
24 or commissions, or municipalities; repealing s.
25 381.0015, F.S., relating to judicial presumptions
26 regarding the department's authority to enforce public
27 health rules; amending s. 381.0016, F.S.; allowing a
28 county to enact health regulations and ordinances

29 consistent with state law; repealing s. 381.0017,
30 F.S., relating to the purchase, lease, and sale of
31 real property by the department; amending s. 381.0025,
32 F.S.; deleting penalties for a violation of ch. 381,
33 F.S., a quarantine, a department rule, an
34 impersonation of an employee of the department, or the
35 malicious dissemination of certain information;
36 providing that certain actions that interfere, hinder,
37 or oppose official duties of department employees
38 constitute a second-degree misdemeanor; providing
39 penalties; amending s. 381.003, F.S.; revising
40 provisions relating to the department's responsibility
41 for communicable disease prevention and control
42 programs; amending s. 381.0031, F.S.; permitting the
43 department to conduct studies concerning epidemiology
44 of communicable diseases of public health
45 significance; deleting noninfectious diseases from the
46 list of diseases determined to be a threat to public
47 health; amending s. 381.00315, F.S.; requiring the
48 department to establish rules for conditions and
49 procedures for imposing and releasing a quarantine;
50 requiring specific provisions to be included in rules;
51 providing that the rules established under this
52 section supersede all rules enacted by other state
53 agencies, boards, or political subdivisions; making
54 any violation of the rules established under the
55 section, a quarantine, or requirement adopted pursuant
56 to a declared public health emergency a second degree

57 | misdemeanor; providing penalties; repealing s.
58 | 381.0032, F.S., relating to epidemiological research;
59 | repealing s. 381.00325, F.S., relating to the
60 | Hepatitis A awareness program; amending s. 381.0034,
61 | F.S.; deleting an obsolete qualifying date reference;
62 | repealing s. 381.0037, F.S., relating to legislative
63 | findings and intent with respect to AIDS; amending s.
64 | 381.004, F.S.; deleting legislative intent; conforming
65 | cross-references; amending 381.0046, F.S.; requiring
66 | the department to establish dedicated HIV and AIDS
67 | regional and statewide minority coordinators; deleting
68 | the requirement that the statewide director report to
69 | the chief of the Bureau of HIV and AIDS within the
70 | department; amending s. 381.005, F.S.; deleting the
71 | requirement that hospitals implement a plan to offer
72 | immunizations for pneumococcal bacteria and influenza
73 | virus to all patients 65 years of age or older;
74 | amending s. 381.0051, F.S.; deleting legislative
75 | intent for the Comprehensive Family Planning Act;
76 | amending s. 381.0052, F.S., relating to the "Public
77 | Health Dental Program Act"; repealing unused
78 | department rulemaking authority; amending s. 381.0053,
79 | F.S., relating to the comprehensive nutrition program;
80 | repealing unused department rulemaking authority;
81 | repealing s. 381.0054, F.S., relating to healthy
82 | lifestyles promotion by the department; amending s.
83 | 381.0056, F.S., relating to the "School Health
84 | Services Act"; deleting legislative findings; deleting

85 | the requirement that school health programs funded by
86 | health care districts or entities be supplementary to
87 | and consistent with the act and other applicable
88 | statutes; amending s. 381.0057, F.S., relating to
89 | funding for school health services; deleting
90 | legislative intent; amending s. 381.00591, F.S.;
91 | permitting the department to apply for and become a
92 | National Environmental Laboratory Accreditation
93 | Program accreditation body; eliminating rulemaking
94 | authority of the department to implement standards of
95 | the National Environmental Laboratory Accreditation
96 | Program; amending s. 381.00593, F.S.; repealing unused
97 | rulemaking authority relating to the public school
98 | volunteer health care practitioner program; amending
99 | s. 381.0062, F.S., relating to the "Comprehensive
100 | Family Planning Act"; deleting legislative intent;
101 | amending s. 381.0065, F.S.; deleting legislative
102 | intent; defining the term "bedroom"; conforming cross-
103 | references; providing for any permit issued and
104 | approved by the Department of Health for the
105 | installation, modification, or repair of an onsite
106 | sewage treatment and disposal system to transfer with
107 | the title of the property; providing circumstances in
108 | which an onsite sewage treatment and disposal system
109 | is not considered abandoned; providing for the
110 | validity of an onsite sewage treatment and disposal
111 | system permit if rules change before final approval of
112 | the constructed system; providing that a system

113 modification, replacement, or upgrade is not required
114 unless a bedroom is added to a single-family home;
115 deleting provisions requiring the department to
116 administer an evaluation and assessment program of
117 onsite sewage treatment and disposal systems and
118 requiring property owners to have such systems
119 evaluated periodically; deleting obsolete provisions;
120 creating s. 381.00651, F.S.; requiring a county or
121 municipality containing a first magnitude spring to
122 adopt by ordinance, under certain circumstances, the
123 program for the periodic evaluation and assessment of
124 onsite sewage treatment and disposal systems;
125 requiring the county or municipality to notify the
126 Secretary of State of the ordinance; authorizing a
127 county or municipality, in specified circumstances, to
128 opt out of certain requirements by a specified date;
129 authorizing a county or municipality to adopt or
130 repeal, after a specified date, an ordinance creating
131 an evaluation and assessment program; subject to
132 notification of the Secretary of State; providing
133 criteria for evaluations, qualified contractors, and
134 repair of systems; providing for certain procedures
135 and exemptions to be implemented in specified
136 circumstances; defining the term "system failure";
137 requiring that certain procedures be used for
138 conducting tank and drainfield evaluations and
139 assessments; providing requirements for county health
140 departments; requiring the county or municipality to

141 develop a system for tracking the evaluations;
142 providing criteria; requiring counties and
143 municipalities to notify the Secretary of
144 Environmental Protection and the Department of Health
145 that an evaluation program ordinance is adopted;
146 requiring the Department of Environmental Protection
147 to notify those counties or municipalities of the use
148 of, and access to, certain state and federal program
149 funds and to provide certain guidance and technical
150 assistance upon request; prohibiting the adoption of
151 certain rules by the department; providing
152 applicability; repealing s. 381.00656, F.S.;
153 eliminating the grant program for assisting owners of
154 onsite sewage treatment and disposal systems; amending
155 s. 381.0066, F.S.; lowering the fees imposed by the
156 department for certain permits; amending s. 381.0068,
157 F.S.; deleting a date by which a technical review and
158 advisory panel must be established within the
159 department for assistance with rule adoption; deleting
160 the authority of the chair of the panel to advise
161 affected persons or the Legislature of the panel's
162 position on legislation, proposed state policy, or
163 other issue; amending s. 381.00781, F.S.; eliminating
164 authority of the department to annually adjust maximum
165 fees according to the Consumer Price Index; amending
166 s. 381.0086, F.S.; revising department rulemaking
167 authority relating to migrant farmworkers and other
168 migrant labor camp or residential migrant housing

169 occupants; removing lighting and maintenance and
170 operation of roads from the list of health and safety
171 standards to be created by the department; amending s.
172 381.0098, F.S.; deleting legislative intent with
173 respect to standards for the safe packaging,
174 transport, storage, treatment, and disposal of
175 biomedical waste; amending s. 381.0101, F.S.; deleting
176 legislative intent regarding certification of
177 environmental health professionals; deleting
178 definitions; providing for the Division Director for
179 Emergency Preparedness and Community Support to serve
180 on an environmental health professionals advisory
181 board; conforming a cross-reference; amending s.
182 381.0203, F.S.; eliminating the regulation of drugs,
183 cosmetics, and household products under ch. 499, F.S.,
184 from the pharmacy services program; eliminating the
185 contraception distribution program at county health
186 departments; amending s. 381.0261, F.S.; requiring the
187 department, rather than the Agency for Health Care
188 Administration, to publish a summary of the Florida
189 Patient's Bill of Rights and Responsibilities on its
190 Internet website; deleting the requirement to print
191 and distribute the summary; repealing s. 381.0301,
192 F.S. relating to the Centers for Disease Control and
193 Prevention, the State University System, Florida
194 medical schools, and the College of Public Health of
195 the University of South Florida; deleting the
196 requirement that the College of Public Health be

197 | consulted by state officials in the management of
198 | public health; repealing s. 381.0302, F.S.;
199 | eliminating the Florida Health Services Corps;
200 | amending s. 381.0303, F.S.; eliminating the
201 | requirement that the Special Needs Shelter Interagency
202 | Committee submit recommendations to the Legislature;
203 | repealing s. 381.04015, F.S.; eliminating the Women's
204 | Health Strategy Office and Officer of Women's Health
205 | Strategy; amending s. 381.0403, F.S., relating to the
206 | "Community Hospital Education Act"; deleting
207 | legislative findings and intent; revising the mission
208 | of the program; requiring minimum funding for graduate
209 | education in family practice; deleting reference to an
210 | intent to establish a statewide graduate medical
211 | education program; amending s. 381.0405, F.S.;
212 | deleting an appropriation to the Office of Rural
213 | Health; amending s. 381.0406, F.S.; deleting
214 | unnecessary introductory language in provisions
215 | relating to rural health networks; repealing s.
216 | 381.0407, F.S., to eliminate the mandatory payment of
217 | claims from public health care providers and county
218 | health departments by managed care plans; repealing s.
219 | 381.045, F.S.; eliminating department authority to
220 | provide services to certain health care providers
221 | infected with Hepatitis B or HIV; amending s.
222 | 381.06015, F.S.; deleting obsolete provision that
223 | requires the department, the Agency for Health Care
224 | Administration, and private consortium members seeking

225 private or federal funds to initiate certain program
226 actions relating to the Public Cord Blood Tissue Bank;
227 repealing s. 381.0605, F.S., relating to designating
228 the Agency for Health Care Administration as the state
229 agency to administer the Federal Hospital and Medical
230 Facilities Amendments of 1964; eliminating authority
231 of the Governor to provide for administration of the
232 amendments; repealing s. 381.102, F.S., to eliminate
233 the community health pilot projects; repealing s.
234 381.103, F.S., to eliminate the duties of the
235 department to assist the community health pilot
236 projects; amending s. 381.4018, F.S.; deleting
237 legislative findings and intent with respect to
238 physician workforce assessment and development;
239 conforming a cross-reference: repealing s. 381.60225,
240 F.S., to eliminate background screening requirements
241 for health care professionals and owners, operators,
242 and employees of certain health care providers,
243 services, and programs; repealing ss. 381.732 and
244 381.733, F.S., relating to the "Healthy People,
245 Healthy Communities Act"; repealing s. 381.734, F.S.,
246 to eliminate the Healthy Communities, Healthy People
247 Program; amending s. 381.7352, F.S.; deleting
248 legislative findings relating to the "Reducing Racial
249 and Ethnic Health Disparities: Closing the Gap Act";
250 amending s. 381.7353, F.S.; removing the authority of
251 the State Surgeon General to appoint an ad hoc
252 committee to study certain aspects of racial and

253 ethnic health outcome disparities and make
254 recommendations; amending s. 381.7356, F.S.; deleting
255 a provision requiring dissemination of Closing the Gap
256 grant awards to begin on a date certain; amending s.
257 381.765, F.S.; repealing unused rulemaking authority
258 relating to records and recordkeeping for department-
259 owned property; repealing s. 381.77, F.S., to
260 eliminate the annual survey of nursing home residents
261 age 55 and under; repealing s. 381.795, F.S., to
262 eliminate the requirement that the department
263 establish a program of long-term community-based
264 supports and services for individuals with traumatic
265 brain or spinal cord injuries; amending s. 381.853,
266 F.S.; deleting legislative findings relating to brain
267 tumor research; repealing s. 381.855, F.S., which
268 established the Florida Center for Universal Research
269 to Eradicate Disease; repealing s. 381.87, F.S., to
270 eliminate the osteoporosis prevention and education
271 program; repealing s. 381.895, F.S., which established
272 standards for compressed air used for recreational
273 diving; repealing s. 381.90, F.S., to eliminate the
274 Health Information Systems Council; amending s.
275 381.91, F.S., relating to the Jesse Trice Cancer
276 Program; revising legislative intent; amending
277 381.922, F.S.; conforming a reference; repealing s.
278 385.210, F.S., the Arthritis Prevention and Education
279 Act; amending s. 391.016, F.S.; clarifying the
280 purposes and functions of the Children's Medical

281 Services program; requiring the coordination and
282 maintenance of a medical home for participating
283 children; requiring the establishment and maintenance
284 of a provider service network for children with
285 special health care needs and other eligible children;
286 amending s. 391.021, F.S.; revising definitions;
287 amending s. 391.025, F.S.; revising the components of
288 the Children's Medical Services program; amending s.
289 391.026, F.S.; revising the powers and duties of the
290 department in administering the Children's Medical
291 Services network; amending s. 391.028, F.S.;

292 eliminating the central office and area offices of the
293 Children's Medical Services program; authorizing the
294 Director of Children's Medical Services to appoint
295 necessary staff and contract with providers to
296 establish a decentralized operations system to provide
297 certain program activities on a statewide basis;
298 establishing criteria for contracting for statewide
299 operation of program activities; requiring concurrence
300 of the Governor and State Surgeon General; requiring
301 competitive procurement; establishing criteria for a
302 provider service network to be considered a qualified
303 contractor; amending s. 391.029, F.S.; specifying
304 eligibility for services provided under the Children's
305 Medical Services program; clarifying who may receive
306 services under the program; deleting the requirement
307 that the department determine financial and medical
308 eligibility for program; deleting the requirement that

309 | the department determine the financial ability of
310 | parents to pay for services; eliminating discretion of
311 | the department to pay reasonable travel expenses;
312 | amending s. 391.0315, F.S.; deleting a prohibition
313 | against a child eligible under Title XIX or XXI of the
314 | Social Security Act from receiving services under the
315 | program until the child is enrolled in Medicaid or a
316 | Title XXI program; amending s. 392.51, F.S., relating
317 | to tuberculosis control; removing legislative findings
318 | and intent; amending s. 392.61, F.S.; eliminating the
319 | requirement that the department develop a methodology
320 | for distributing funds appropriated for community
321 | tuberculosis control programs; amending s. 392.62,
322 | F.S.; requiring a contractor to use licensed community
323 | hospitals and other facilities for the care and
324 | treatment of persons who have active tuberculosis or a
325 | history of noncompliance with prescribed drug regimens
326 | and require inpatient or other residential services;
327 | removing authority of the department to operate a
328 | licensed hospital to treat tuberculosis patients;
329 | requiring the tuberculosis control program to fund
330 | participating facilities; requiring facilities to meet
331 | specific conditions; requiring the department to
332 | develop a transition plan for the closure of A.G.
333 | Holley State Hospital; specifying content of
334 | transition plan; requiring submission of the plan to
335 | the Governor and Legislature; requiring full
336 | implementation of the transition plan by a certain

337 date; amending s. 401.243, F.S.; repealing unused
338 rulemaking authority governing the implementation of
339 injury-prevention grant programs; amending s. 401.245,
340 F.S.; repealing unused rulemaking authority relating
341 to operating procedures for the Emergency Medical
342 Services Advisory Council; amending s. 401.271, F.S.;
343 repealing unused rulemaking authority relating to an
344 exemption for the spouse of a member of the Armed
345 Forces of the United States on active duty from
346 certification renewal provisions while the spouse is
347 absent from the state because of the member's active
348 duty with the Armed Forces; amending s. 402.45, F.S.;
349 repealing unused rulemaking authority relating to the
350 community resource mother or father program; amending
351 s. 403.863, F.S.; directing the department to contract
352 with the American Environmental Laboratory Association
353 to perform state public water supply laboratory
354 certification application review and evaluation and
355 laboratory inspections; adding certain actions to the
356 list of acts constituting grounds for which
357 disciplinary actions may be taken under the section;
358 amending ss. 400.914 and 409.256, F.S.; conforming
359 references; repealing s. 458.346, F.S., which created
360 the Public Sector Physician Advisory Committee and
361 established its responsibilities; amending s. 462.19,
362 F.S., relating to the renewal of licenses for
363 practitioners of naturopathy; repealing unused
364 rulemaking authority; repealing s. 464.0197, F.S.,

365 relating to state budget support for the Florida
366 Center for Nursing; amending s. 464.208, F.S.;
367 repealing unused rulemaking authority relating to
368 background screening information of certified nursing
369 assistants; repealing s. 466.00775, F.S., relating to
370 unused rulemaking authority relating to dental health
371 access and dental laboratory registration provisions;
372 amending s. 514.011, F.S.; revising the definition of
373 "public bathing place"; amending s. 514.021, F.S.;
374 restricting rulemaking authority of the department;
375 limiting scope of standards for public pools and
376 public bathing places; prohibiting the department from
377 adopting by rule any regulation regarding the design,
378 alteration, or repair of a public pool or public
379 bathing; eliminating authority of the department to
380 review plans, issue approvals, and enforce occupancy
381 provisions of the Florida Building Code; amending s.
382 514.023, F.S.; adding public bathing places to the
383 provisions allowing sampling of beach waters to
384 determine water quality and allowing health advisories
385 to be issued for elevated levels of bacteria in such
386 waters; amending s. 514.025, F.S.; requiring county
387 health departments to review applications and plans
388 for the construction or placement of public pools or
389 bathing places; providing for the department to review
390 applications and plans if no qualified staff are
391 employed at the county health department; establishing
392 that county health departments are responsible to

393 monitor water quality in public pools and bathing
394 places; amending s. 514.03, F.S.; permitting local
395 governments or local enforcement districts to
396 determine compliance with general construction
397 provisions of the Florida Building Code; permitting
398 local governments or local enforcement districts to
399 conduct plan reviews and inspections of public pools
400 and bathing places to determine compliance;
401 eliminating an application process for review of
402 building plans for a public pool or bathing place by
403 the department; amending s. 514.031, F.S.; requiring a
404 valid permit from the county health to operate a
405 public pool; revising the list of documents that must
406 accompany an application for a permit to operate a
407 public pool; providing the county health department
408 with authority to review, approve, and deny an
409 application for a permit to operate a public pool;
410 amending s. 514.033, F.S.; deleting authority of the
411 department to establish a fee schedule; requiring fees
412 collected by the department or county health
413 department to be deposited into the County Health
414 Department Trust Fund; amending s. 514.05, F.S.;
415 requiring all amounts collected to be deposited in the
416 County Health Department Trust Fund; granting the
417 county health department the authority to close a
418 public pool that is not in compliance with chapter
419 514, F.S., or applicable rules; amending s. 514.06,
420 F.S.; deeming a public pool or bathing place to

421 present a significant risk to public health by failing
422 to meet water quality and safety to be a public
423 nuisance; allowing for a public nuisance to be abated
424 or enjoined; amending s. 633.115, F.S.; making
425 conforming changes; amending s. 1009.66, F.S.;
426 reassigning responsibility for the Nursing Student
427 Loan Forgiveness Program from the Department of Health
428 to the Department of Education; amending s. 1009.67,
429 F.S.; reassigning responsibility for the nursing
430 scholarship program from the Department of Health to
431 the Department of Education; providing type two
432 transfers of the programs; providing for transfer of a
433 trust fund; providing applicability to contracts;
434 authorizing transfer of funds and positions between
435 departments; requiring the Division of Medical Quality
436 and Assurance to create a plan to improve efficiency
437 of the function of the division; directing the
438 division to take certain actions in creating the plan;
439 directing the division to address particular topics in
440 the plan; requiring all executive branch agencies to
441 assist the department in creating the plan; requesting
442 all other state agencies to assist the department in
443 creating the plan; amending ss. 154.503, 381.0041,
444 384.25, 392.56, 456.032, 768.28, and 775.0877, F.S.;
445 conforming cross-references; providing effective
446 dates.

447

448 Be It Enacted by the Legislature of the State of Florida:

449
450 Section 1. Subsections (1), (2), and (3) of section 20.43,
451 Florida Statutes, are amended to read:

452 20.43 Department of Health.—There is created a Department
453 of Health.

454 (1) The purpose of the Department of Health is to protect
455 and promote ~~and protect~~ the health of all residents and visitors
456 in the state through organized state and community efforts,
457 including cooperative agreements with counties. The department
458 shall:

459 (a) Identify, diagnose, and conduct surveillance of
460 diseases and health conditions in the state and accumulate the
461 health statistics necessary to establish trends ~~Prevent to the~~
462 ~~fullest extent possible, the occurrence and progression of~~
463 ~~communicable and noncommunicable diseases and disabilities.~~

464 (b) Implement interventions that prevent or limit the
465 impact or spread of diseases and health conditions ~~Maintain a~~
466 ~~constant surveillance of disease occurrence and accumulate~~
467 ~~health statistics necessary to establish disease trends and to~~
468 ~~design health programs.~~

469 (c) Collect, manage, and analyze vital statistics and
470 other health data to inform the public and formulate public
471 health policy and planning ~~Conduct special studies of the causes~~
472 ~~of diseases and formulate preventive strategies.~~

473 (d) Maintain and coordinate preparedness for and responses
474 to public health emergencies in the state ~~Promote the~~
475 ~~maintenance and improvement of the environment as it affects~~
476 ~~public health.~~

477 (e) Provide or ensure the provision of quality health care
 478 and related services to identified populations in the state
 479 ~~Promote the maintenance and improvement of health in the~~
 480 ~~residents of the state.~~

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

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

490 (h) ~~Provide services to abused and neglected children~~
 491 ~~through child protection teams and sexual abuse treatment~~
 492 ~~programs.~~

493 (i) ~~Develop working associations with all agencies and~~
 494 ~~organizations involved and interested in health and health care~~
 495 ~~delivery.~~

496 (j) ~~Analyze trends in the evolution of health systems, and~~
 497 ~~identify and promote the use of innovative, cost-effective~~
 498 ~~health delivery systems.~~

499 (k) ~~Serve as the statewide repository of all aggregate~~
 500 ~~data accumulated by state agencies related to health care;~~
 501 ~~analyze that data and issue periodic reports and policy~~
 502 ~~statements, as appropriate; require that all aggregated data be~~
 503 ~~kept in a manner that promotes easy utilization by the public,~~
 504 ~~state agencies, and all other interested parties; provide~~

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

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

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

516 (2)(a) The head of the Department of Health is the State
517 Surgeon General and State Health Officer. The State Surgeon
518 General must be a physician licensed under chapter 458 or
519 chapter 459 who has advanced training or extensive experience in
520 public health administration. The State Surgeon General is
521 appointed by the Governor subject to confirmation by the Senate.
522 The State Surgeon General serves at the pleasure of the
523 Governor. ~~The State Surgeon General shall serve as the leading~~
524 ~~voice on wellness and disease prevention efforts, including the~~
525 ~~promotion of healthful lifestyles, immunization practices,~~
526 ~~health literacy, and the assessment and promotion of the~~
527 ~~physician and health care workforce in order to meet the health~~
528 ~~care needs of the state. The State Surgeon General shall focus~~
529 ~~on advocating healthy lifestyles, developing public health~~
530 ~~policy, and building collaborative partnerships with schools,~~
531 ~~businesses, health care practitioners, community-based~~
532 ~~organizations, and public and private institutions in order to~~

CS/CS/HB 1263

2012

533 ~~promote health literacy and optimum quality of life for all~~
 534 ~~Floridians.~~

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

538 (3) The following divisions of the Department of Health
 539 are established:

540 (a) Division of Administration.

541 (b) Division of Emergency Preparedness and Community
 542 Support Environmental Health.

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

544 (d) Division of Community Health Promotion ~~Family Health~~
 545 ~~Services.~~

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

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

549 (g) Division of Medical Quality Assurance, which is
 550 responsible for the following boards and professions established
 551 within the division:

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

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

554 3. The Board of Osteopathic Medicine, created under
 555 chapter 459.

556 4. The Board of Chiropractic Medicine, created under
 557 chapter 460.

558 5. The Board of Podiatric Medicine, created under chapter
 559 461.

560 6. Naturopathy, as provided under chapter 462.

- 561 | 7. The Board of Optometry, created under chapter 463.
- 562 | 8. The Board of Nursing, created under part I of chapter
- 563 | 464.
- 564 | 9. Nursing assistants, as provided under part II of
- 565 | chapter 464.
- 566 | 10. The Board of Pharmacy, created under chapter 465.
- 567 | 11. The Board of Dentistry, created under chapter 466.
- 568 | 12. Midwifery, as provided under chapter 467.
- 569 | 13. The Board of Speech-Language Pathology and Audiology,
- 570 | created under part I of chapter 468.
- 571 | 14. The Board of Nursing Home Administrators, created
- 572 | under part II of chapter 468.
- 573 | 15. The Board of Occupational Therapy, created under part
- 574 | III of chapter 468.
- 575 | 16. Respiratory therapy, as provided under part V of
- 576 | chapter 468.
- 577 | 17. Dietetics and nutrition practice, as provided under
- 578 | part X of chapter 468.
- 579 | 18. The Board of Athletic Training, created under part
- 580 | XIII of chapter 468.
- 581 | 19. The Board of Orthotists and Prosthetists, created
- 582 | under part XIV of chapter 468.
- 583 | 20. Electrolysis, as provided under chapter 478.
- 584 | 21. The Board of Massage Therapy, created under chapter
- 585 | 480.
- 586 | 22. The Board of Clinical Laboratory Personnel, created
- 587 | under part III of chapter 483.
- 588 | 23. Medical physicists, as provided under part IV of

589 chapter 483.

590 24. The Board of Opticianry, created under part I of
591 chapter 484.

592 25. The Board of Hearing Aid Specialists, created under
593 part II of chapter 484.

594 26. The Board of Physical Therapy Practice, created under
595 chapter 486.

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

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

598 29. The Board of Clinical Social Work, Marriage and Family
599 Therapy, and Mental Health Counseling, created under chapter
600 491.

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

603 ~~(h) Division of Children's Medical Services Prevention and~~
604 ~~Intervention.~~

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

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

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

608 Section 2. Subsections (14) through (22) of section
609 20.435, Florida Statutes, are renumbered as subsection (13)
610 through (20), respectively, and present subsections (13) and
611 (17) of that section are amended to read:

612 20.435 Department of Health; trust funds.—The following
613 trust funds shall be administered by the Department of Health:

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

615 ~~(a) Funds to be credited to and uses of the trust fund~~
616 ~~shall be administered in accordance with the provisions of~~

617 ~~chapter 499.~~

618 ~~(b) Notwithstanding the provisions of s. 216.301 and~~
 619 ~~pursuant to s. 216.351, any balance in the trust fund at the end~~
 620 ~~of any fiscal year shall remain in the trust fund at the end of~~
 621 ~~the year and shall be available for carrying out the purposes of~~
 622 ~~the trust fund.~~

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

624 ~~(a) Funds to be credited to and uses of the trust fund~~
 625 ~~shall be administered in accordance with the provisions of s.~~
 626 ~~1009.66.~~

627 ~~(b) Notwithstanding the provisions of s. 216.301 and~~
 628 ~~pursuant to s. 216.351, any balance in the trust fund at the end~~
 629 ~~of any fiscal year shall remain in the trust fund at the end of~~
 630 ~~the year and shall be available for carrying out the purposes of~~
 631 ~~the trust fund.~~

632 Section 3. Subsections (10) and (12) of section 215.5602,
 633 Florida Statutes, are amended to read:

634 215.5602 James and Esther King Biomedical Research
 635 Program.—

636 (10) The council shall submit an annual progress report on
 637 the state of biomedical research in this state to ~~the Florida~~
 638 ~~Center for Universal Research to Eradicate Disease and to the~~
 639 ~~Governor, the State Surgeon General, the President of the~~
 640 ~~Senate, and the Speaker of the House of Representatives by~~
 641 ~~February 1. The report must include:~~

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

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

CS/CS/HB 1263

2012

645 (c) A list of publications in peer reviewed journals
646 involving research supported by grants or fellowships awarded
647 under the program.

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

650 (e) New grants for biomedical research which were funded
651 based on research supported by grants or fellowships awarded
652 under the program.

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

656 ~~(12) From funds appropriated to accomplish the goals of~~
657 ~~this section, up to \$250,000 shall be available for the~~
658 ~~operating costs of the Florida Center for Universal Research to~~
659 ~~Eradicate Disease.~~ Beginning in the 2011-2012 fiscal year and
660 thereafter, \$25 million from the revenue deposited into the
661 Health Care Trust Fund pursuant to ss. 210.011(9) and 210.276(7)
662 shall be reserved for research of tobacco-related or cancer-
663 related illnesses. Of the revenue deposited in the Health Care
664 Trust Fund pursuant to this section, \$25 million shall be
665 transferred to the Biomedical Research Trust Fund within the
666 Department of Health. Subject to annual appropriations in the
667 General Appropriations Act, \$5 million shall be appropriated to
668 the James and Esther King Biomedical Research Program, \$5
669 million shall be appropriated to the William G. "Bill" Bankhead,
670 Jr., and David Coley Cancer Research Program created under s.
671 381.922, \$5 million shall be appropriated to the H. Lee Moffitt
672 Cancer Center and Research Institute established under s.

CS/CS/HB 1263

2012

673 1004.43, \$5 million shall be appropriated to the Sylvester
 674 Comprehensive Cancer Center of the University of Miami, and \$5
 675 million shall be appropriated to the ~~University of Florida~~
 676 Shands Cancer Hospital ~~Center~~.

677 Section 4. Section 381.001, Florida Statutes, is amended
 678 to read:

679 381.001 ~~Legislative intent~~; Public health system.—

680 ~~(1) It is the intent of the Legislature that~~ The
 681 Department of Health is ~~be~~ responsible for the state's public
 682 health system which shall be designed to promote, protect, and
 683 improve the health of all people in the state. ~~The mission of~~
 684 ~~the state's public health system is to foster the conditions in~~
 685 ~~which people can be healthy, by assessing state and community~~
 686 ~~health needs and priorities through data collection,~~
 687 ~~epidemiologic studies, and community participation; by~~
 688 ~~developing comprehensive public health policies and objectives~~
 689 ~~aimed at improving the health status of people in the state; and~~
 690 ~~by ensuring essential health care and an environment which~~
 691 ~~enhances the health of the individual and the community. The~~
 692 department shall provide leadership for ~~Legislature recognizes~~
 693 ~~that the state's public health system must be founded on an~~
 694 active partnership working toward shared public health goals and
 695 involving between federal, state, and local governments and the
 696 private sector ~~government and between the public and private~~
 697 ~~sectors, and, therefore, assessment, policy development, and~~
 698 ~~service provision must be shared by all of these entities to~~
 699 ~~achieve its mission.~~

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

701 ~~department, in carrying out the mission of public health, focus~~
702 ~~attention on identifying, assessing, and controlling the~~
703 ~~presence and spread of communicable diseases; on monitoring and~~
704 ~~regulating factors in the environment which may impair the~~
705 ~~public's health, with particular attention to preventing~~
706 ~~contamination of drinking water, the air people breathe, and the~~
707 ~~food people consume; and ensuring availability of and access to~~
708 ~~preventive and primary health care, including, but not limited~~
709 ~~to, acute and episodic care, prenatal and postpartum care, child~~
710 ~~health, family planning, school health, chronic disease~~
711 ~~prevention, child and adult immunization, dental health,~~
712 ~~nutrition, and health education and promotion services.~~

713 ~~(3) It is, furthermore, the intent of the Legislature that~~
714 ~~the public health system include comprehensive planning, data~~
715 ~~collection, technical support, and health resource development~~
716 ~~functions. These functions include, but are not limited to,~~
717 ~~state laboratory and pharmacy services, the state vital~~
718 ~~statistics system, the Florida Center for Health Information and~~
719 ~~Policy Analysis, emergency medical services coordination and~~
720 ~~support, and recruitment, retention, and development of~~
721 ~~preventive and primary health care professionals and managers.~~

722 ~~(4) It is, furthermore, the intent of the Legislature that~~
723 ~~the department provide public health services through the 67~~
724 ~~county health departments in partnership with county~~
725 ~~governments, as specified in part I of chapter 154, and in so~~
726 ~~doing make every attempt possible to solicit the support and~~
727 ~~involvement of private and not-for-profit health care agencies~~
728 ~~in fulfilling the public health mission.~~

729 Section 5. Section 381.0011, Florida Statutes, is amended
 730 to read:

731 381.0011 Duties and powers of the Department of Health.—It
 732 is the duty of the Department of Health to:

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

738 ~~(2) Formulate general policies affecting the public health~~
 739 ~~of the state.~~

740 (2)~~(3)~~ Administer and enforce laws and rules relating to
 741 sanitation, control of communicable diseases, illnesses and
 742 hazards to health among humans and from animals to humans, and
 743 the general health of the people of the state.

744 (3)~~(4)~~ Coordinate with ~~Cooperate with and accept~~
 745 ~~assistance from federal, state, and local officials for the~~
 746 ~~prevention and suppression of communicable and other diseases,~~
 747 ~~illnesses, injuries, and hazards to human health.~~

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

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

756 ~~1. The closure of premises.~~

CS/CS/HB 1263

2012

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

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

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

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

765 ~~6. The disinfection of quarantined animals, persons, or~~
766 ~~premises.~~

767 ~~7. Methods of quarantine.~~

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

771 (4)~~(6)~~ Provide for a thorough investigation and study of
772 the incidence, causes, modes of propagation and transmission,
773 and means of prevention, control, and cure of diseases,
774 illnesses, and hazards to human health.

775 (5)~~(7)~~ Provide for the dissemination of information to the
776 public relative to the prevention, control, and cure of
777 diseases, illnesses, and hazards to human health. ~~The department~~
778 ~~shall conduct a workshop before issuing any health alert or~~
779 ~~advisory relating to food borne illness or communicable disease~~
780 ~~in public lodging or food service establishments in order to~~
781 ~~inform persons, trade associations, and businesses of the risk~~
782 ~~to public health and to seek the input of affected persons,~~
783 ~~trade associations, and businesses on the best methods of~~
784 ~~informing and protecting the public, except in an emergency, in~~

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

787 ~~(6)-(8) Act as registrar of vital statistics.~~

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

790 ~~(10) Cooperate with other departments, local officials,~~
 791 ~~and private boards and organizations for the improvement and~~
 792 ~~preservation of the public health.~~

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

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

799 ~~(7)-(13)~~ Manage and coordinate emergency preparedness and
 800 disaster response functions to: investigate and control the
 801 spread of disease; coordinate the availability and staffing of
 802 special needs shelters; support patient evacuation; ensure the
 803 safety of food and drugs; provide critical incident stress
 804 debriefing; and provide surveillance and control of
 805 radiological, chemical, biological, and other environmental
 806 hazards.

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

808 Section 6. Section 381.0013, Florida Statutes, is
 809 repealed.

810 Section 7. Section 381.0014, Florida Statutes, is
 811 repealed.

812 Section 8. Section 381.0015, Florida Statutes, is

CS/CS/HB 1263

2012

813 repealed.

814 Section 9. Section 381.0016, Florida Statutes, is amended
815 to read:

816 381.0016 County and municipal regulations and ordinances.—
817 Any county or municipality may enact, in a manner prescribed by
818 law, health regulations and ordinances not inconsistent with
819 state public health laws and rules adopted by the department.

820 Section 10. Section 381.0017, Florida Statutes, is
821 repealed.

822 Section 11. Section 381.0025, Florida Statutes, is amended
823 to read:

824 381.0025 Penalties.—

825 ~~(1) Any person who violates any of the provisions of this~~
826 ~~chapter, any quarantine, or any rule adopted by the department~~
827 ~~under the provisions of this chapter is guilty of a misdemeanor~~
828 ~~of the second degree, punishable as provided in s. 775.082 or s.~~
829 ~~775.083.~~

830 ~~(2)~~ Any person who interferes with, hinders, or opposes
831 any employee of the department in the discharge of his or her
832 duties pursuant to the provisions of s. 381.00315 ~~this chapter,~~
833 part I of chapter 386, chapter 513, or chapter 514 commits, ~~or~~
834 ~~who impersonates an employee of the department, is guilty of a~~
835 ~~misdemeanor of the second degree, punishable as provided in s.~~
836 ~~775.082 or s. 775.083.~~

837 ~~(3) Any person who maliciously disseminates any false~~
838 ~~rumor or report concerning the existence of any infectious or~~
839 ~~contagious disease is guilty of a misdemeanor of the second~~
840 ~~degree, punishable as provided in s. 775.082 or s. 775.083.~~

841 Section 12. Paragraph (d) of subsection (1) of section
 842 381.003, Florida Statutes, is amended to read:

843 381.003 Communicable disease and AIDS prevention and
 844 control.—

845 (1) The department shall conduct a communicable disease
 846 prevention and control program as part of fulfilling its public
 847 health mission. A communicable disease is any disease caused by
 848 transmission of a specific infectious agent, or its toxic
 849 products, from an infected person, an infected animal, or the
 850 environment to a susceptible host, either directly or
 851 indirectly. The communicable disease program must include, but
 852 need not be limited to:

853 (d) Programs for the prevention, control, and reporting of
 854 communicable diseases of public health significance as provided
 855 for in this chapter.

856 Section 13. Section 381.0031, Florida Statutes, is amended
 857 to read:

858 381.0031 Epidemiological research; report of diseases of
 859 public health significance to department.—

860 (1) The department may conduct studies concerning the
 861 epidemiology of communicable diseases of public health
 862 significance affecting people in Florida.

863 (2) Any practitioner licensed in this state to practice
 864 medicine, osteopathic medicine, chiropractic medicine,
 865 naturopathy, or veterinary medicine; any hospital licensed under
 866 part I of chapter 395; or any laboratory licensed under chapter
 867 483 that diagnoses or suspects the existence of a communicable
 868 disease of public health significance shall immediately report

869 the fact to the Department of Health.

870 (3)~~(2)~~ Periodically the department shall issue a list of
871 infectious ~~or noninfectious~~ diseases determined by it to be a
872 threat to public health and therefore of significance to public
873 health and shall furnish a copy of the list to the practitioners
874 listed in subsection (2) ~~(1)~~.

875 (4)~~(3)~~ Reports required by this section must be in
876 accordance with methods specified by rule of the department.

877 (5)~~(4)~~ Information submitted in reports required by this
878 section is confidential, exempt from the provisions of s.
879 119.07(1), and is to be made public only when necessary to
880 public health. A report so submitted is not a violation of the
881 confidential relationship between practitioner and patient.

882 (6)~~(5)~~ The department may obtain and inspect copies of
883 medical records, records of laboratory tests, and other medical-
884 related information for reported cases of communicable diseases
885 of public health significance described in subsection (2). The
886 department shall examine the records of a person who has a
887 communicable disease of public health significance only for
888 purposes of preventing and eliminating outbreaks of disease and
889 making epidemiological investigations of reported cases of
890 communicable diseases of public health significance,
891 notwithstanding any other law to the contrary. Health care
892 practitioners, licensed health care facilities, and laboratories
893 shall allow the department to inspect and obtain copies of such
894 medical records and medical-related information, notwithstanding
895 any other law to the contrary. Release of medical records and
896 medical-related information to the department by a health care

897 practitioner, licensed health care facility, or laboratory, or
 898 by an authorized employee or agent thereof, does not constitute
 899 a violation of the confidentiality of patient records. A health
 900 care practitioner, health care facility, or laboratory, or any
 901 employee or agent thereof, may not be held liable in any manner
 902 for damages and is not subject to criminal penalties for
 903 providing patient records to the department as authorized by
 904 this section.

905 (7)~~(6)~~ The department may adopt rules related to reporting
 906 communicable diseases of significance to public health, which
 907 must specify the information to be included in the report, who
 908 is required to report, the method and time period for reporting,
 909 requirements for enforcement, and required followup activities
 910 by the department which are necessary to protect public health.

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

912 Section 14. Subsection (1) of section 381.00315, Florida
 913 Statutes, is amended, and subsection (4) is added to that
 914 section, to read:

915 381.00315 Public health advisories; public health
 916 emergencies and quarantines.—The State Health Officer is
 917 responsible for declaring public health emergencies and
 918 quarantines and issuing public health advisories.

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

920 (a) "Public health advisory" means any warning or report
 921 giving information to the public about a potential public health
 922 threat. Prior to issuing any public health advisory, the State
 923 Health Officer must consult with any state or local agency
 924 regarding areas of responsibility which may be affected by such

CS/CS/HB 1263

2012

925 advisory. Upon determining that issuing a public health advisory
926 is necessary to protect the public health and safety, and prior
927 to issuing the advisory, the State Health Officer must notify
928 each county health department within the area which is affected
929 by the advisory of the State Health Officer's intent to issue
930 the advisory. The State Health Officer is authorized to take any
931 action appropriate to enforce any public health advisory.

932 (b) "Public health emergency" means any occurrence, or
933 threat thereof, whether natural or man made, which results or
934 may result in substantial injury or harm to the public health
935 from infectious disease, chemical agents, nuclear agents,
936 biological toxins, or situations involving mass casualties or
937 natural disasters. Prior to declaring a public health emergency,
938 the State Health Officer shall, to the extent possible, consult
939 with the Governor and shall notify the Chief of Domestic
940 Security. The declaration of a public health emergency shall
941 continue until the State Health Officer finds that the threat or
942 danger has been dealt with to the extent that the emergency
943 conditions no longer exist and he or she terminates the
944 declaration. However, a declaration of a public health emergency
945 may not continue for longer than 60 days unless the Governor
946 concurs in the renewal of the declaration. The State Health
947 Officer, upon declaration of a public health emergency, may take
948 actions that are necessary to protect the public health. Such
949 actions include, but are not limited to:

950 1. Directing manufacturers of prescription drugs or over-
951 the-counter drugs who are permitted under chapter 499 and
952 wholesalers of prescription drugs located in this state who are

953 permitted under chapter 499 to give priority to the shipping of
954 specified drugs to pharmacies and health care providers within
955 geographic areas that have been identified by the State Health
956 Officer. The State Health Officer must identify the drugs to be
957 shipped. Manufacturers and wholesalers located in the state must
958 respond to the State Health Officer's priority shipping
959 directive before shipping the specified drugs.

960 2. Notwithstanding chapters 465 and 499 and rules adopted
961 thereunder, directing pharmacists employed by the department to
962 compound bulk prescription drugs and provide these bulk
963 prescription drugs to physicians and nurses of county health
964 departments or any qualified person authorized by the State
965 Health Officer for administration to persons as part of a
966 prophylactic or treatment regimen.

967 3. Notwithstanding s. 456.036, temporarily reactivating
968 the inactive license of the following health care practitioners,
969 when such practitioners are needed to respond to the public
970 health emergency: physicians licensed under chapter 458 or
971 chapter 459; physician assistants licensed under chapter 458 or
972 chapter 459; licensed practical nurses, registered nurses, and
973 advanced registered nurse practitioners licensed under part I of
974 chapter 464; respiratory therapists licensed under part V of
975 chapter 468; and emergency medical technicians and paramedics
976 certified under part III of chapter 401. Only those health care
977 practitioners specified in this paragraph who possess an
978 unencumbered inactive license and who request that such license
979 be reactivated are eligible for reactivation. An inactive
980 license that is reactivated under this paragraph shall return to

981 inactive status when the public health emergency ends or prior
 982 to the end of the public health emergency if the State Health
 983 Officer determines that the health care practitioner is no
 984 longer needed to provide services during the public health
 985 emergency. Such licenses may only be reactivated for a period
 986 not to exceed 90 days without meeting the requirements of s.
 987 456.036 or chapter 401, as applicable.

988 4. Ordering an individual to be examined, tested,
 989 vaccinated, treated, or quarantined for communicable diseases
 990 that have significant morbidity or mortality and present a
 991 severe danger to public health. Individuals who are unable or
 992 unwilling to be examined, tested, vaccinated, or treated for
 993 reasons of health, religion, or conscience may be subjected to
 994 quarantine.

995 a. Examination, testing, vaccination, or treatment may be
 996 performed by any qualified person authorized by the State Health
 997 Officer.

998 b. If the individual poses a danger to the public health,
 999 the State Health Officer may subject the individual to
 1000 quarantine. If there is no practical method to quarantine the
 1001 individual, the State Health Officer may use any means necessary
 1002 to vaccinate or treat the individual.

1003
 1004 Any order of the State Health Officer given to effectuate this
 1005 paragraph shall be immediately enforceable by a law enforcement
 1006 officer under s. 381.0012.

1007 (4) The department shall adopt rules to specify the
 1008 conditions and procedures for imposing and releasing a

CS/CS/HB 1263

2012

1009 quarantine. The rules must include provisions related to:
 1010 (a) The closure of premises.
 1011 (b) The movement of persons or animals exposed to or
 1012 infected with a communicable disease.
 1013 (c) The tests or treatment, including vaccination, for
 1014 communicable disease required prior to employment or admission
 1015 to the premises or to comply with a quarantine.
 1016 (d) Testing or destruction of animals with or suspected of
 1017 having a disease transmissible to humans.
 1018 (e) Access by the department to quarantined premises.
 1019 (f) The disinfection of quarantined animals, persons, or
 1020 premises.
 1021 (g) Methods of quarantine.
 1022 (5) The rules adopted under this section and actions taken
 1023 by the department pursuant to a declared public health emergency
 1024 or quarantine shall supersede all rules enacted by other state
 1025 departments, boards or commissions, and ordinances and
 1026 regulations enacted by political subdivisions of the state. Any
 1027 person who violates any rule adopted under this section, any
 1028 quarantine, or any requirement adopted by the department
 1029 pursuant to a declared public health emergency, commits a
 1030 misdemeanor of the second degree, punishable as provided in s.
 1031 775.082 or s. 775.083.
 1032 Section 15. Section 381.0032, Florida Statutes, is
 1033 repealed.
 1034 Section 16. Section 381.00325, Florida Statutes, is
 1035 repealed.
 1036 Section 17. Subsection (1) of section 381.0034, Florida

CS/CS/HB 1263

2012

1037 Statutes, is amended to read:

1038 381.0034 Requirement for instruction on HIV and AIDS.—

1039 (1) ~~As of July 1, 1991,~~ The Department of Health shall
 1040 require each person licensed or certified under chapter 401,
 1041 chapter 467, part IV of chapter 468, or chapter 483, as a
 1042 condition of biennial relicensure, to complete an educational
 1043 course approved by the department on the modes of transmission,
 1044 infection control procedures, clinical management, and
 1045 prevention of human immunodeficiency virus and acquired immune
 1046 deficiency syndrome. Such course shall include information on
 1047 current Florida law on acquired immune deficiency syndrome and
 1048 its impact on testing, confidentiality of test results, and
 1049 treatment of patients. Each such licensee or certificateholder
 1050 shall submit confirmation of having completed said course, on a
 1051 form provided by the department, when submitting fees or
 1052 application for each biennial renewal.

1053 Section 18. Section 381.0037, Florida Statutes, is
 1054 repealed.

1055 Section 19. Subsections (2) through (11) of section
 1056 381.004, Florida Statutes, are renumbered as subsections (1)
 1057 through (10), respectively, and present subsection (1),
 1058 paragraph (a) of present subsection (3), paragraph (d) of
 1059 present subsection (5), present subsection (7), and paragraph
 1060 (c) of present subsection (11) of that section are amended to
 1061 read:

1062 381.004 HIV testing.—

1063 ~~(1) LEGISLATIVE INTENT. The Legislature finds that the use~~
 1064 ~~of tests designed to reveal a condition indicative of human~~

CS/CS/HB 1263

2012

1065 ~~immunodeficiency virus infection can be a valuable tool in~~
1066 ~~protecting the public health. The Legislature finds that despite~~
1067 ~~existing laws, regulations, and professional standards which~~
1068 ~~require or promote the informed, voluntary, and confidential use~~
1069 ~~of tests designed to reveal human immunodeficiency virus~~
1070 ~~infection, many members of the public are deterred from seeking~~
1071 ~~such testing because they misunderstand the nature of the test~~
1072 ~~or fear that test results will be disclosed without their~~
1073 ~~consent. The Legislature finds that the public health will be~~
1074 ~~served by facilitating informed, voluntary, and confidential use~~
1075 ~~of tests designed to detect human immunodeficiency virus~~
1076 ~~infection.~~

1077 (3) HUMAN IMMUNODEFICIENCY VIRUS TESTING; INFORMED
1078 CONSENT; RESULTS; COUNSELING; CONFIDENTIALITY.—

1079 (a) No person in this state shall order a test designed to
1080 identify the human immunodeficiency virus, or its antigen or
1081 antibody, without first obtaining the informed consent of the
1082 person upon whom the test is being performed, except as
1083 specified in paragraph (h). Informed consent shall be preceded
1084 by an explanation of the right to confidential treatment of
1085 information identifying the subject of the test and the results
1086 of the test to the extent provided by law. Information shall
1087 also be provided on the fact that a positive HIV test result
1088 will be reported to the county health department with sufficient
1089 information to identify the test subject and on the availability
1090 and location of sites at which anonymous testing is performed.
1091 As required in paragraph (3)(c) ~~(4)(e)~~, each county health
1092 department shall maintain a list of sites at which anonymous

CS/CS/HB 1263

2012

1093 testing is performed, including the locations, phone numbers,
 1094 and hours of operation of the sites. Consent need not be in
 1095 writing provided there is documentation in the medical record
 1096 that the test has been explained and the consent has been
 1097 obtained.

1098 (4)~~(5)~~ HUMAN IMMUNODEFICIENCY VIRUS TESTING REQUIREMENTS;
 1099 REGISTRATION WITH THE DEPARTMENT OF HEALTH; EXEMPTIONS FROM
 1100 REGISTRATION.—No county health department and no other person in
 1101 this state shall conduct or hold themselves out to the public as
 1102 conducting a testing program for acquired immune deficiency
 1103 syndrome or human immunodeficiency virus status without first
 1104 registering with the Department of Health, reregistering each
 1105 year, complying with all other applicable provisions of state
 1106 law, and meeting the following requirements:

1107 (d) The program must meet all the informed consent
 1108 criteria contained in subsection (2) ~~(3)~~.

1109 (7) EXEMPTIONS.—Except as provided in paragraph (3) (d)
 1110 ~~(4) (d)~~ and ss. 627.429 and 641.3007, insurers and others
 1111 participating in activities related to the insurance application
 1112 and underwriting process shall be exempt from this section.

1113 (10)~~(11)~~ TESTING AS A CONDITION OF TREATMENT OR
 1114 ADMISSION.—

1115 (c) Any violation of this subsection or the rules
 1116 implementing it shall be punishable as provided in subsection
 1117 (5) ~~(6)~~.

1118 Section 20. Subsection (2) of section 381.0046, Florida
 1119 Statutes, is amended to read:

1120 381.0046 Statewide HIV and AIDS prevention campaign.—

CS/CS/HB 1263

2012

1121 (2) The Department of Health shall establish dedicated
1122 ~~four~~ positions within the department for HIV and AIDS regional
1123 minority coordinators and ~~one position for~~ a statewide HIV and
1124 AIDS minority coordinator. The coordinators shall facilitate
1125 statewide efforts to implement and coordinate HIV and AIDS
1126 prevention and treatment programs. ~~The statewide coordinator~~
1127 ~~shall report directly to the chief of the Bureau of HIV and AIDS~~
1128 ~~within the Department of Health.~~

1129 Section 21. Subsection (3) of section 381.005, Florida
1130 Statutes, is renumbered as subsection (2), and present
1131 subsection (2) of that section is amended to read:

1132 381.005 Primary and preventive health services.—

1133 ~~(2) Between October 1, or earlier if the vaccination is~~
1134 ~~available, and February 1 of each year, subject to the~~
1135 ~~availability of an adequate supply of the necessary vaccine,~~
1136 ~~each hospital licensed pursuant to chapter 395 shall implement a~~
1137 ~~program to offer immunizations against the influenza virus and~~
1138 ~~pneumococcal bacteria to all patients age 65 or older, in~~
1139 ~~accordance with the recommendations of the Advisory Committee on~~
1140 ~~Immunization Practices of the United States Centers for Disease~~
1141 ~~Control and Prevention and subject to the clinical judgment of~~
1142 ~~the responsible practitioner.~~

1143 Section 22. Subsections (3) through (7) of section
1144 381.0051, Florida Statutes, are renumbered as subsections (2)
1145 through (6), respectively, and present subsection (2) of that
1146 section is amended to read:

1147 381.0051 Family planning.—

1148 ~~(2) LEGISLATIVE INTENT. It is the intent of the~~

CS/CS/HB 1263

2012

1149 ~~Legislature to make available to citizens of the state of~~
 1150 ~~childbearing age comprehensive medical knowledge, assistance,~~
 1151 ~~and services relating to the planning of families and maternal~~
 1152 ~~health care.~~

1153 Section 23. Subsection (5) of section 381.0052, Florida
 1154 Statutes, is amended to read:

1155 381.0052 Dental health.—

1156 ~~(5) The department may adopt rules to implement this~~
 1157 ~~section.~~

1158 Section 24. Subsection (4) of section 381.0053, Florida
 1159 Statutes, is amended to read:

1160 381.0053 Comprehensive nutrition program.—

1161 ~~(4) The department may promulgate rules to implement the~~
 1162 ~~provisions of this section.~~

1163 Section 25. Section 381.0054, Florida Statutes, is
 1164 repealed.

1165 Section 26. Subsections (3) through (11) of section
 1166 381.0056, Florida Statutes are renumbered as subsections (2)
 1167 through (9), respectively, and present subsections (2), (3), and
 1168 (11) of that section are amended to read:

1169 381.0056 School health services program.—

1170 ~~(2) The Legislature finds that health services conducted~~
 1171 ~~as a part of the total school health program should be carried~~
 1172 ~~out to appraise, protect, and promote the health of students.~~
 1173 ~~School health services supplement, rather than replace, parental~~
 1174 ~~responsibility and are designed to encourage parents to devote~~
 1175 ~~attention to child health, to discover health problems, and to~~
 1176 ~~encourage use of the services of their physicians, dentists, and~~

1177 ~~community health agencies.~~

1178 (2)~~(3)~~ As ~~When~~ used in ~~or for purposes of~~ this section:

1179 (a) "Emergency health needs" means onsite management and
 1180 aid for illness or injury pending the student's return to the
 1181 classroom or release to a parent, guardian, designated friend,
 1182 or designated health care provider.

1183 (b) "Entity" or "health care entity" means a unit of local
 1184 government or a political subdivision of the state; a hospital
 1185 licensed under chapter 395; a health maintenance organization
 1186 certified under chapter 641; a health insurer authorized under
 1187 the Florida Insurance Code; a community health center; a migrant
 1188 health center; a federally qualified health center; an
 1189 organization that meets the requirements for nonprofit status
 1190 under s. 501(c)(3) of the Internal Revenue Code; a private
 1191 industry or business; or a philanthropic foundation that agrees
 1192 to participate in a public-private partnership with a county
 1193 health department, local school district, or school in the
 1194 delivery of school health services, and agrees to the terms and
 1195 conditions for the delivery of such services as required by this
 1196 section and as documented in the local school health services
 1197 plan.

1198 (c) "Invasive screening" means any screening procedure in
 1199 which the skin or any body orifice is penetrated.

1200 (d) "Physical examination" means a thorough evaluation of
 1201 the health status of an individual.

1202 (e) "School health services plan" means the document that
 1203 describes the services to be provided, the responsibility for
 1204 provision of the services, the anticipated expenditures to

CS/CS/HB 1263

2012

1205 provide the services, and evidence of cooperative planning by
 1206 local school districts and county health departments.

1207 (f) "Screening" means presumptive identification of
 1208 unknown or unrecognized diseases or defects by the application
 1209 of tests that can be given with ease and rapidity to apparently
 1210 healthy persons.

1211 ~~(11) School health programs funded by health care~~
 1212 ~~districts or entities defined in subsection (3) must be~~
 1213 ~~supplementary to and consistent with the requirements of this~~
 1214 ~~section and ss. 381.0057 and 381.0059.~~

1215 Section 27. Subsections (2) through (7) of section
 1216 381.0057, Florida Statutes, are renumbered as subsections (1)
 1217 through (6), respectively, and present subsections (1), (4), and
 1218 (6) of that section are amended to read:

1219 381.0057 Funding for school health services.—

1220 ~~(1) It is the intent of the Legislature that funds in~~
 1221 ~~addition to those provided under the School Health Services Act~~
 1222 ~~be provided to those school districts and schools where there is~~
 1223 ~~a high incidence of medically underserved high risk children,~~
 1224 ~~low birthweight babies, infant mortality, or teenage pregnancy.~~
 1225 ~~The purpose of this funding is to phase in those programs which~~
 1226 ~~offer the greatest potential for promoting the health of~~
 1227 ~~students and reducing teenage pregnancy.~~

1228 (3)~~(4)~~ Any school district, school, or laboratory school
 1229 which desires to receive state funding under the provisions of
 1230 this section shall submit a proposal to the joint committee
 1231 established in subsection (2)~~(3)~~. The proposal shall state the
 1232 goals of the program, provide specific plans for reducing

1233 teenage pregnancy, and describe all of the health services to be
 1234 available to students with funds provided pursuant to this
 1235 section, including a combination of initiatives such as health
 1236 education, counseling, extracurricular, and self-esteem
 1237 components. School health services shall not promote elective
 1238 termination of pregnancy as a part of counseling services. Only
 1239 those program proposals which have been developed jointly by
 1240 county health departments and local school districts or schools,
 1241 and which have community and parental support, shall be eligible
 1242 for funding. Funding shall be available specifically for
 1243 implementation of one of the following programs:

1244 (a) School health improvement pilot project.—The program
 1245 shall include basic health care to an elementary school, middle
 1246 school, and high school feeder system. Program services shall
 1247 include, but not be limited to:

1248 1. Planning, implementing, and evaluating school health
 1249 services. Staffing shall include a full-time, trained school
 1250 health aide in each elementary, middle, and high school; one
 1251 full-time nurse to supervise the aides in the elementary and
 1252 middle schools; and one full-time nurse in each high school.

1253 2. Providing student health appraisals and identification
 1254 of actual or potential health problems by screenings, nursing
 1255 assessments, and record reviews.

1256 3. Expanding screening activities.

1257 4. Improving the student utilization of school health
 1258 services.

1259 5. Coordinating health services for students with parents
 1260 or guardians and other agencies in the community.

CS/CS/HB 1263

2012

1261 (b) Student support services team program.—The program
1262 shall include a multidisciplinary team composed of a
1263 psychologist, social worker, and nurse whose responsibilities
1264 are to provide basic support services and to assist, in the
1265 school setting, children who exhibit mild to severely complex
1266 health, behavioral, or learning problems affecting their school
1267 performance. Support services shall include, but not be limited
1268 to: evaluation and treatment for minor illnesses and injuries,
1269 referral and followup for serious illnesses and emergencies,
1270 onsite care and consultation, referral to a physician, and
1271 followup care for pregnancy or chronic diseases and disorders as
1272 well as emotional or mental problems. Services also shall
1273 include referral care for drug and alcohol abuse and sexually
1274 transmitted diseases, sports and employment physicals,
1275 immunizations, and in addition, effective preventive services
1276 aimed at delaying early sexual involvement and aimed at
1277 pregnancy, acquired immune deficiency syndrome, sexually
1278 transmitted diseases, and destructive lifestyle conditions, such
1279 as alcohol and drug abuse. Moneys for this program shall be used
1280 to fund three teams, each consisting of one half-time
1281 psychologist, one full-time nurse, and one full-time social
1282 worker. Each team shall provide student support services to an
1283 elementary school, middle school, and high school that are a
1284 part of one feeder school system and shall coordinate all
1285 activities with the school administrator and guidance counselor
1286 at each school. A program which places all three teams in middle
1287 schools or high schools may also be proposed.

1288 (c) Full service schools.—The full-service schools shall

CS/CS/HB 1263

2012

1289 integrate the services of the Department of Health that are
 1290 critical to the continuity-of-care process. The department shall
 1291 provide services to students on the school grounds. Department
 1292 personnel shall provide their specialized services as an
 1293 extension of the educational environment. Such services may
 1294 include nutritional services, medical services, aid to dependent
 1295 children, parenting skills, counseling for abused children, and
 1296 education for the students' parents or guardians.

1297
 1298 Funding may also be available for any other program that is
 1299 comparable to a program described in this subsection but is
 1300 designed to meet the particular needs of the community.

1301 (5)~~(6)~~ Each school district or school program that is
 1302 funded through the provisions of this section shall provide a
 1303 mechanism through which a parent may, by written request, exempt
 1304 a child from all or certain services provided by a school health
 1305 services program described in subsection (3) ~~(4)~~.

1306 Section 28. Section 381.00591, Florida Statutes, is
 1307 amended to read:

1308 381.00591 Department of Health; National Environmental
 1309 Laboratory accreditation; application; ~~rules.~~—The Department of
 1310 Health may apply for and become a National Environmental
 1311 Laboratory Accreditation Program accreditation body ~~accrediting~~
 1312 ~~authority. The department, as an accrediting entity, may adopt~~
 1313 ~~rules pursuant to ss. 120.536(1) and 120.54, to implement~~
 1314 ~~standards of the National Environmental Laboratory Accreditation~~
 1315 ~~Program, including requirements for proficiency testing~~
 1316 ~~providers and other rules that are not inconsistent with this~~

CS/CS/HB 1263

2012

1317 ~~section, including rules pertaining to fees, application~~
 1318 ~~procedures, standards applicable to environmental or public~~
 1319 ~~water supply laboratories, and compliance.~~

1320 Section 29. Subsection (9) of section 381.00593, Florida
 1321 Statutes, is renumbered as subsection (8), and present
 1322 subsection (8) of that section is amended to read:

1323 381.00593 Public school volunteer health care practitioner
 1324 program.—

1325 ~~(8) The Department of Health, in cooperation with the~~
 1326 ~~Department of Education, may adopt rules necessary to implement~~
 1327 ~~this section. The rules shall include the forms to be completed~~
 1328 ~~and procedures to be followed by applicants and school personnel~~
 1329 ~~under the program.~~

1330 Section 30. Subsections (2) through (6) of section
 1331 381.0062, Florida Statutes, are renumbered as subsections (1)
 1332 through (6), respectively, and present subsection (1) of that
 1333 section is amended to read:

1334 381.0062 Supervision; private and certain public water
 1335 systems.—

1336 ~~(1) LEGISLATIVE INTENT. It is the intent of the~~
 1337 ~~Legislature to protect the public's health by establishing~~
 1338 ~~standards for the construction, modification, and operation of~~
 1339 ~~public and private water systems to assure consumers that the~~
 1340 ~~water provided by those systems is potable.~~

1341 Section 31. Section 381.0065, Florida Statutes, is amended
 1342 to read:

1343 381.0065 Onsite sewage treatment and disposal systems;
 1344 regulation.—

1345 (1) LEGISLATIVE INTENT.—

1346 ~~(a) It is the intent of the Legislature that proper~~
 1347 ~~management of onsite sewage treatment and disposal systems is~~
 1348 ~~paramount to the health, safety, and welfare of the public. It~~
 1349 ~~is further the intent of the Legislature that the department~~
 1350 ~~shall administer an evaluation program to ensure the operational~~
 1351 ~~condition of the system and identify any failure with the~~
 1352 ~~system.~~

1353 ~~(b)~~ It is the intent of the Legislature that where a
 1354 publicly owned or investor-owned sewerage system is not
 1355 available, the department shall issue permits for the
 1356 construction, installation, modification, abandonment, or repair
 1357 of onsite sewage treatment and disposal systems under conditions
 1358 as described in this section and rules adopted under this
 1359 section. It is further the intent of the Legislature that the
 1360 installation and use of onsite sewage treatment and disposal
 1361 systems not adversely affect the public health or significantly
 1362 degrade the groundwater or surface water.

1363 (2) DEFINITIONS.—As used in ss. 381.0065-381.0067, the
 1364 term:

1365 (a) "Available," as applied to a publicly owned or
 1366 investor-owned sewerage system, means that the publicly owned or
 1367 investor-owned sewerage system is capable of being connected to
 1368 the plumbing of an establishment or residence, is not under a
 1369 Department of Environmental Protection moratorium, and has
 1370 adequate permitted capacity to accept the sewage to be generated
 1371 by the establishment or residence; and:

1372 1. For a residential subdivision lot, a single-family

CS/CS/HB 1263

2012

1373 residence, or an establishment, any of which has an estimated
1374 sewage flow of 1,000 gallons per day or less, a gravity sewer
1375 line to maintain gravity flow from the property's drain to the
1376 sewer line, or a low pressure or vacuum sewage collection line
1377 in those areas approved for low pressure or vacuum sewage
1378 collection, exists in a public easement or right-of-way that
1379 abuts the property line of the lot, residence, or establishment.

1380 2. For an establishment with an estimated sewage flow
1381 exceeding 1,000 gallons per day, a sewer line, force main, or
1382 lift station exists in a public easement or right-of-way that
1383 abuts the property of the establishment or is within 50 feet of
1384 the property line of the establishment as accessed via existing
1385 rights-of-way or easements.

1386 3. For proposed residential subdivisions with more than 50
1387 lots, for proposed commercial subdivisions with more than 5
1388 lots, and for areas zoned or used for an industrial or
1389 manufacturing purpose or its equivalent, a sewerage system
1390 exists within one-fourth mile of the development as measured and
1391 accessed via existing easements or rights-of-way.

1392 4. For repairs or modifications within areas zoned or used
1393 for an industrial or manufacturing purpose or its equivalent, a
1394 sewerage system exists within 500 feet of an establishment's or
1395 residence's sewer stub-out as measured and accessed via existing
1396 rights-of-way or easements.

1397 (b)1. "Bedroom" means a room that may be used for sleeping
1398 and that:

1399 a. For site-built dwellings, has a minimum of 70 square
1400 feet of air-conditioned space;

1401 b. For manufactured homes, is constructed according to
 1402 standards of the United States Department of Housing and Urban
 1403 Development and has a minimum of 50 square feet of floor area;

1404 c. Is located along an exterior wall;

1405 d. Has a closet and a door or an entrance where a door
 1406 could be reasonably installed; and

1407 e. Has an emergency means of escape and rescue opening to
 1408 the outside.

1409 2. A room may not be considered a bedroom if it is used to
 1410 access another room except a bathroom or closet.

1411 3. The term "bedroom" does not include a hallway,
 1412 bathroom, kitchen, living room, family room, dining room, den,
 1413 breakfast nook, pantry, laundry room, sunroom, recreation room,
 1414 media/video room, or exercise room.

1415 (b) "Blackwater" means that part of domestic sewage
 1416 carried off by toilets, urinals, and kitchen drains.

1417 (c) "Domestic sewage" means human body waste and
 1418 wastewater, including bath and toilet waste, residential laundry
 1419 waste, residential kitchen waste, and other similar waste from
 1420 appurtenances at a residence or establishment.

1421 (d) "Graywater" means that part of domestic sewage that is
 1422 not blackwater, including waste from the bath, lavatory,
 1423 laundry, and sink, except kitchen sink waste.

1424 (e) "Florida Keys" means those islands of the state
 1425 located within the boundaries of Monroe County.

1426 (f) "Injection well" means an open vertical hole at least
 1427 90 feet in depth, cased and grouted to at least 60 feet in depth
 1428 which is used to dispose of effluent from an onsite sewage

1429 treatment and disposal system.

1430 (g) "Innovative system" means an onsite sewage treatment
1431 and disposal system that, in whole or in part, employs
1432 materials, devices, or techniques that are novel or unique and
1433 that have not been successfully field-tested under sound
1434 scientific and engineering principles under climatic and soil
1435 conditions found in this state.

1436 (h) "Lot" means a parcel or tract of land described by
1437 reference to recorded plats or by metes and bounds, or the least
1438 fractional part of subdivided lands having limited fixed
1439 boundaries or an assigned number, letter, or any other legal
1440 description by which it can be identified.

1441 (i) "Mean annual flood line" means the elevation
1442 determined by calculating the arithmetic mean of the elevations
1443 of the highest yearly flood stage or discharge for the period of
1444 record, to include at least the most recent 10-year period. If
1445 at least 10 years of data is not available, the mean annual
1446 flood line shall be as determined based upon the data available
1447 and field verification conducted by a certified professional
1448 surveyor and mapper with experience in the determination of
1449 flood water elevation lines or, at the option of the applicant,
1450 by department personnel. Field verification of the mean annual
1451 flood line shall be performed using a combination of those
1452 indicators listed in subparagraphs 1.-7. that are present on the
1453 site, and that reflect flooding that recurs on an annual basis.
1454 In those situations where any one or more of these indicators
1455 reflect a rare or aberrant event, such indicator or indicators
1456 shall not be utilized in determining the mean annual flood line.

1457 The indicators that may be considered are:

- 1458 1. Water stains on the ground surface, trees, and other
- 1459 fixed objects;
- 1460 2. Hydric adventitious roots;
- 1461 3. Drift lines;
- 1462 4. Rafted debris;
- 1463 5. Aquatic mosses and liverworts;
- 1464 6. Moss collars; and
- 1465 7. Lichen lines.

1466 (j) "Onsite sewage treatment and disposal system" means a
 1467 system that contains a standard subsurface, filled, or mound
 1468 drainfield system; an aerobic treatment unit; a graywater system
 1469 tank; a laundry wastewater system tank; a septic tank; a grease
 1470 interceptor; a pump tank; a solids or effluent pump; a
 1471 waterless, incinerating, or organic waste-composting toilet; or
 1472 a sanitary pit privy that is installed or proposed to be
 1473 installed beyond the building sewer on land of the owner or on
 1474 other land to which the owner has the legal right to install a
 1475 system. The term includes any item placed within, or intended to
 1476 be used as a part of or in conjunction with, the system. This
 1477 term does not include package sewage treatment facilities and
 1478 other treatment works regulated under chapter 403.

1479 (k) "Permanent nontidal surface water body" means a
 1480 perennial stream, a perennial river, an intermittent stream, a
 1481 perennial lake, a submerged marsh or swamp, a submerged wooded
 1482 marsh or swamp, a spring, or a seep, as identified on the most
 1483 recent quadrangle map, 7.5 minute series (topographic), produced
 1484 by the United States Geological Survey, or products derived from

1485 that series. "Permanent nontidal surface water body" shall also
1486 mean an artificial surface water body that does not have an
1487 impermeable bottom and side and that is designed to hold, or
1488 does hold, visible standing water for at least 180 days of the
1489 year. However, a nontidal surface water body that is drained,
1490 either naturally or artificially, where the intent or the result
1491 is that such drainage be temporary, shall be considered a
1492 permanent nontidal surface water body. A nontidal surface water
1493 body that is drained of all visible surface water, where the
1494 lawful intent or the result of such drainage is that such
1495 drainage will be permanent, shall not be considered a permanent
1496 nontidal surface water body. The boundary of a permanent
1497 nontidal surface water body shall be the mean annual flood line.

1498 (l) "Potable water line" means any water line that is
1499 connected to a potable water supply source, but the term does
1500 not include an irrigation line with any of the following types
1501 of backflow devices:

1502 1. For irrigation systems into which chemicals are not
1503 injected, any atmospheric or pressure vacuum breaker or double
1504 check valve or any detector check assembly.

1505 2. For irrigation systems into which chemicals such as
1506 fertilizers, pesticides, or herbicides are injected, any reduced
1507 pressure backflow preventer.

1508 (m) "Septage" means a mixture of sludge, fatty materials,
1509 human feces, and wastewater removed during the pumping of an
1510 onsite sewage treatment and disposal system.

1511 (n) "Subdivision" means, for residential use, any tract or
1512 plot of land divided into two or more lots or parcels of which

1513 at least one is 1 acre or less in size for sale, lease, or rent.
 1514 A subdivision for commercial or industrial use is any tract or
 1515 plot of land divided into two or more lots or parcels of which
 1516 at least one is 5 acres or less in size and which is for sale,
 1517 lease, or rent. A subdivision shall be deemed to be proposed
 1518 until such time as an application is submitted to the local
 1519 government for subdivision approval or, in those areas where no
 1520 local government subdivision approval is required, until such
 1521 time as a plat of the subdivision is recorded.

1522 (o) "Tidally influenced surface water body" means a body
 1523 of water that is subject to the ebb and flow of the tides and
 1524 has as its boundary a mean high-water line as defined by s.
 1525 177.27(15).

1526 (p) "Toxic or hazardous chemical" means a substance that
 1527 poses a serious danger to human health or the environment.

1528 (3) DUTIES AND POWERS OF THE DEPARTMENT OF HEALTH.—The
 1529 department shall:

1530 (a) Adopt rules to administer ss. 381.0065–381.0067,
 1531 including definitions that are consistent with the definitions
 1532 in this section, decreases to setback requirements where no
 1533 health hazard exists, increases for the lot-flow allowance for
 1534 performance-based systems, requirements for separation from
 1535 water table elevation during the wettest season, requirements
 1536 for the design and construction of any component part of an
 1537 onsite sewage treatment and disposal system, application and
 1538 permit requirements for persons who maintain an onsite sewage
 1539 treatment and disposal system, requirements for maintenance and
 1540 service agreements for aerobic treatment units and performance-

1541 based treatment systems, and recommended standards, including
 1542 disclosure requirements, for voluntary system inspections to be
 1543 performed by individuals who are authorized by law to perform
 1544 such inspections and who shall inform a person having ownership,
 1545 control, or use of an onsite sewage treatment and disposal
 1546 system of the inspection standards and of that person's
 1547 authority to request an inspection based on all or part of the
 1548 standards.

1549 (b) Perform application reviews and site evaluations,
 1550 issue permits, and conduct inspections and complaint
 1551 investigations associated with the construction, installation,
 1552 maintenance, modification, abandonment, operation, use, or
 1553 repair of an onsite sewage treatment and disposal system for a
 1554 residence or establishment with an estimated domestic sewage
 1555 flow of 10,000 gallons or less per day, or an estimated
 1556 commercial sewage flow of 5,000 gallons or less per day, which
 1557 is not currently regulated under chapter 403.

1558 (c) Develop a comprehensive program to ensure that onsite
 1559 sewage treatment and disposal systems regulated by the
 1560 department are sized, designed, constructed, installed,
 1561 repaired, modified, abandoned, used, operated, and maintained in
 1562 compliance with this section and rules adopted under this
 1563 section to prevent groundwater contamination and surface water
 1564 contamination and to preserve the public health. The department
 1565 is the final administrative interpretive authority regarding
 1566 rule interpretation. In the event of a conflict regarding rule
 1567 interpretation, the Division Director for Emergency Preparedness
 1568 and Community Support ~~Environmental Health~~ of the department, or

1569 his or her designee, shall timely assign a staff person to
 1570 resolve the dispute.

1571 (d) Grant variances in hardship cases under the conditions
 1572 prescribed in this section and rules adopted under this section.

1573 (e) Permit the use of a limited number of innovative
 1574 systems for a specific period of time, when there is compelling
 1575 evidence that the system will function properly and reliably to
 1576 meet the requirements of this section and rules adopted under
 1577 this section.

1578 (f) Issue annual operating permits under this section.

1579 (g) Establish and collect fees as established under s.
 1580 381.0066 for services provided with respect to onsite sewage
 1581 treatment and disposal systems.

1582 (h) Conduct enforcement activities, including imposing
 1583 fines, issuing citations, suspensions, revocations, injunctions,
 1584 and emergency orders for violations of this section, part I of
 1585 chapter 386, or part III of chapter 489 or for a violation of
 1586 any rule adopted under this section, part I of chapter 386, or
 1587 part III of chapter 489.

1588 (i) Provide or conduct education and training of
 1589 department personnel, service providers, and the public
 1590 regarding onsite sewage treatment and disposal systems.

1591 (j) Supervise research on, demonstration of, and training
 1592 on the performance, environmental impact, and public health
 1593 impact of onsite sewage treatment and disposal systems within
 1594 this state. Research fees collected under s. 381.0066(2)(k)
 1595 ~~381.0066(2)(l)~~ must be used to develop and fund hands-on
 1596 training centers designed to provide practical information about

1597 onsite sewage treatment and disposal systems to septic tank
1598 contractors, master septic tank contractors, contractors,
1599 inspectors, engineers, and the public and must also be used to
1600 fund research projects which focus on improvements of onsite
1601 sewage treatment and disposal systems, including use of
1602 performance-based standards and reduction of environmental
1603 impact. Research projects shall be initially approved by the
1604 technical review and advisory panel and shall be applicable to
1605 and reflect the soil conditions specific to Florida. Such
1606 projects shall be awarded through competitive negotiation, using
1607 the procedures provided in s. 287.055, to public or private
1608 entities that have experience in onsite sewage treatment and
1609 disposal systems in Florida and that are principally located in
1610 Florida. Research projects may ~~shall~~ not be awarded to firms or
1611 entities that employ or are associated with persons who serve on
1612 either the technical review and advisory panel or the research
1613 review and advisory committee.

1614 (k) Approve the installation of individual graywater
1615 disposal systems in which blackwater is treated by a central
1616 sewerage system.

1617 (l) Regulate and permit the sanitation, handling,
1618 treatment, storage, reuse, and disposal of byproducts from any
1619 system regulated under this chapter and not regulated by the
1620 Department of Environmental Protection.

1621 (m) Permit and inspect portable or temporary toilet
1622 services and holding tanks. The department shall review
1623 applications, perform site evaluations, and issue permits for
1624 the temporary use of holding tanks, privies, portable toilet

1625 services, or any other toilet facility that is intended for use
 1626 on a permanent or nonpermanent basis, including facilities
 1627 placed on construction sites when workers are present. The
 1628 department may specify standards for the construction,
 1629 maintenance, use, and operation of any such facility for
 1630 temporary use.

1631 (n) Regulate and permit maintenance entities for
 1632 performance-based treatment systems and aerobic treatment unit
 1633 systems. To ensure systems are maintained and operated according
 1634 to manufacturer's specifications and designs, the department
 1635 shall establish by rule minimum qualifying criteria for
 1636 maintenance entities. The criteria shall include: training,
 1637 access to approved spare parts and components, access to
 1638 manufacturer's maintenance and operation manuals, and service
 1639 response time. The maintenance entity shall employ a contractor
 1640 licensed under s. 489.105(3)(m), or part III of chapter 489, or
 1641 a state-licensed wastewater plant operator, who is responsible
 1642 for maintenance and repair of all systems under contract.

1643 (4) PERMITS; INSTALLATION; AND CONDITIONS.—A person may
 1644 not construct, repair, modify, abandon, or operate an onsite
 1645 sewage treatment and disposal system without first obtaining a
 1646 permit approved by the department. The department may issue
 1647 permits to carry out this section, but may ~~shall~~ not make the
 1648 issuance of such permits contingent upon prior approval by the
 1649 Department of Environmental Protection, except that the issuance
 1650 of a permit for work seaward of the coastal construction control
 1651 line established under s. 161.053 shall be contingent upon
 1652 receipt of any required coastal construction control line permit

CS/CS/HB 1263

2012

1653 from the Department of Environmental Protection. A construction
1654 permit is valid for 18 months from the issuance date and may be
1655 extended by the department for one 90-day period under rules
1656 adopted by the department. A repair permit is valid for 90 days
1657 from the date of issuance. An operating permit must be obtained
1658 prior to the use of any aerobic treatment unit or if the
1659 establishment generates commercial waste. Buildings or
1660 establishments that use an aerobic treatment unit or generate
1661 commercial waste shall be inspected by the department at least
1662 annually to assure compliance with the terms of the operating
1663 permit. The operating permit for a commercial wastewater system
1664 is valid for 1 year from the date of issuance and must be
1665 renewed annually. The operating permit for an aerobic treatment
1666 unit is valid for 2 years from the date of issuance and must be
1667 renewed every 2 years. If all information pertaining to the
1668 siting, location, and installation conditions or repair of an
1669 onsite sewage treatment and disposal system remains the same, a
1670 construction or repair permit for the onsite sewage treatment
1671 and disposal system may be transferred to another person, if the
1672 transferee files, within 60 days after the transfer of
1673 ownership, an amended application providing all corrected
1674 information and proof of ownership of the property. There is no
1675 fee associated with the processing of this supplemental
1676 information. A person may not contract to construct, modify,
1677 alter, repair, service, abandon, or maintain any portion of an
1678 onsite sewage treatment and disposal system without being
1679 registered under part III of chapter 489. A property owner who
1680 personally performs construction, maintenance, or repairs to a

1681 system serving his or her own owner-occupied single-family
1682 residence is exempt from registration requirements for
1683 performing such construction, maintenance, or repairs on that
1684 residence, but is subject to all permitting requirements. A
1685 municipality or political subdivision of the state may not issue
1686 a building or plumbing permit for any building that requires the
1687 use of an onsite sewage treatment and disposal system unless the
1688 owner or builder has received a construction permit for such
1689 system from the department. A building or structure may not be
1690 occupied and a municipality, political subdivision, or any state
1691 or federal agency may not authorize occupancy until the
1692 department approves the final installation of the onsite sewage
1693 treatment and disposal system. A municipality or political
1694 subdivision of the state may not approve any change in occupancy
1695 or tenancy of a building that uses an onsite sewage treatment
1696 and disposal system until the department has reviewed the use of
1697 the system with the proposed change, approved the change, and
1698 amended the operating permit.

1699 (a) Subdivisions and lots in which each lot has a minimum
1700 area of at least one-half acre and either a minimum dimension of
1701 100 feet or a mean of at least 100 feet of the side bordering
1702 the street and the distance formed by a line parallel to the
1703 side bordering the street drawn between the two most distant
1704 points of the remainder of the lot may be developed with a water
1705 system regulated under s. 381.0062 and onsite sewage treatment
1706 and disposal systems, provided the projected daily sewage flow
1707 does not exceed an average of 1,500 gallons per acre per day,
1708 and provided satisfactory drinking water can be obtained and all

CS/CS/HB 1263

2012

1709 distance and setback, soil condition, water table elevation, and
1710 other related requirements of this section and rules adopted
1711 under this section can be met.

1712 (b) Subdivisions and lots using a public water system as
1713 defined in s. 403.852 may use onsite sewage treatment and
1714 disposal systems, provided there are no more than four lots per
1715 acre, provided the projected daily sewage flow does not exceed
1716 an average of 2,500 gallons per acre per day, and provided that
1717 all distance and setback, soil condition, water table elevation,
1718 and other related requirements that are generally applicable to
1719 the use of onsite sewage treatment and disposal systems are met.

1720 (c) Notwithstanding paragraphs (a) and (b), for
1721 subdivisions platted of record on or before October 1, 1991,
1722 when a developer or other appropriate entity has previously made
1723 or makes provisions, including financial assurances or other
1724 commitments, acceptable to the Department of Health, that a
1725 central water system will be installed by a regulated public
1726 utility based on a density formula, private potable wells may be
1727 used with onsite sewage treatment and disposal systems until the
1728 agreed-upon densities are reached. In a subdivision regulated by
1729 this paragraph, the average daily sewage flow may not exceed
1730 2,500 gallons per acre per day. This section does not affect the
1731 validity of existing prior agreements. After October 1, 1991,
1732 the exception provided under this paragraph is not available to
1733 a developer or other appropriate entity.

1734 (d) Paragraphs (a) and (b) do not apply to any proposed
1735 residential subdivision with more than 50 lots or to any
1736 proposed commercial subdivision with more than 5 lots where a

1737 publicly owned or investor-owned sewerage system is available.
 1738 It is the intent of this paragraph not to allow development of
 1739 additional proposed subdivisions in order to evade the
 1740 requirements of this paragraph.

1741 (e) Onsite sewage treatment and disposal systems must not
 1742 be placed closer than:

- 1743 1. Seventy-five feet from a private potable well.
- 1744 2. Two hundred feet from a public potable well serving a
 1745 residential or nonresidential establishment having a total
 1746 sewage flow of greater than 2,000 gallons per day.
- 1747 3. One hundred feet from a public potable well serving a
 1748 residential or nonresidential establishment having a total
 1749 sewage flow of less than or equal to 2,000 gallons per day.
- 1750 4. Fifty feet from any nonpotable well.
- 1751 5. Ten feet from any storm sewer pipe, to the maximum
 1752 extent possible, but in no instance shall the setback be less
 1753 than 5 feet.
- 1754 6. Seventy-five feet from the mean high-water line of a
 1755 tidally influenced surface water body.
- 1756 7. Seventy-five feet from the mean annual flood line of a
 1757 permanent nontidal surface water body.
- 1758 8. Fifteen feet from the design high-water line of
 1759 retention areas, detention areas, or swales designed to contain
 1760 standing or flowing water for less than 72 hours after a
 1761 rainfall or the design high-water level of normally dry drainage
 1762 ditches or normally dry individual lot stormwater retention
 1763 areas.

1764 (f) Except as provided under paragraphs (e) and (t), no

1765 limitations shall be imposed by rule, relating to the distance
1766 between an onsite disposal system and any area that either
1767 permanently or temporarily has visible surface water.

1768 (g) All provisions of this section and rules adopted under
1769 this section relating to soil condition, water table elevation,
1770 distance, and other setback requirements must be equally applied
1771 to all lots, with the following exceptions:

1772 1. Any residential lot that was platted and recorded on or
1773 after January 1, 1972, or that is part of a residential
1774 subdivision that was approved by the appropriate permitting
1775 agency on or after January 1, 1972, and that was eligible for an
1776 onsite sewage treatment and disposal system construction permit
1777 on the date of such platting and recording or approval shall be
1778 eligible for an onsite sewage treatment and disposal system
1779 construction permit, regardless of when the application for a
1780 permit is made. If rules in effect at the time the permit
1781 application is filed cannot be met, residential lots platted and
1782 recorded or approved on or after January 1, 1972, shall, to the
1783 maximum extent possible, comply with the rules in effect at the
1784 time the permit application is filed. At a minimum, however,
1785 those residential lots platted and recorded or approved on or
1786 after January 1, 1972, but before January 1, 1983, shall comply
1787 with those rules in effect on January 1, 1983, and those
1788 residential lots platted and recorded or approved on or after
1789 January 1, 1983, shall comply with those rules in effect at the
1790 time of such platting and recording or approval. In determining
1791 the maximum extent of compliance with current rules that is
1792 possible, the department shall allow structures and

1793 appurtenances thereto which were authorized at the time such
 1794 lots were platted and recorded or approved.

1795 2. Lots platted before 1972 are subject to a 50-foot
 1796 minimum surface water setback and are not subject to lot size
 1797 requirements. The projected daily flow for onsite sewage
 1798 treatment and disposal systems for lots platted before 1972 may
 1799 not exceed:

1800 a. Two thousand five hundred gallons per acre per day for
 1801 lots served by public water systems as defined in s. 403.852.

1802 b. One thousand five hundred gallons per acre per day for
 1803 lots served by water systems regulated under s. 381.0062.

1804 (h) 1. The department may grant variances in hardship
 1805 cases which may be less restrictive than the provisions
 1806 specified in this section. If a variance is granted and the
 1807 onsite sewage treatment and disposal system construction permit
 1808 has been issued, the variance may be transferred with the system
 1809 construction permit, if the transferee files, within 60 days
 1810 after the transfer of ownership, an amended construction permit
 1811 application providing all corrected information and proof of
 1812 ownership of the property and if the same variance would have
 1813 been required for the new owner of the property as was
 1814 originally granted to the original applicant for the variance.
 1815 There is no fee associated with the processing of this
 1816 supplemental information. A variance may not be granted under
 1817 this section until the department is satisfied that:

1818 a. The hardship was not caused intentionally by the action
 1819 of the applicant;

1820 b. No reasonable alternative, taking into consideration

1821 factors such as cost, exists for the treatment of the sewage;
 1822 and

1823 c. The discharge from the onsite sewage treatment and
 1824 disposal system will not adversely affect the health of the
 1825 applicant or the public or significantly degrade the groundwater
 1826 or surface waters.

1827
 1828 Where soil conditions, water table elevation, and setback
 1829 provisions are determined by the department to be satisfactory,
 1830 special consideration must be given to those lots platted before
 1831 1972.

1832 2. The department shall appoint and staff a variance
 1833 review and advisory committee, which shall meet monthly to
 1834 recommend agency action on variance requests. The committee
 1835 shall make its recommendations on variance requests at the
 1836 meeting in which the application is scheduled for consideration,
 1837 except for an extraordinary change in circumstances, the receipt
 1838 of new information that raises new issues, or when the applicant
 1839 requests an extension. The committee shall consider the criteria
 1840 in subparagraph 1. in its recommended agency action on variance
 1841 requests and shall also strive to allow property owners the full
 1842 use of their land where possible. The committee consists of the
 1843 following:

1844 a. The Division Director for Emergency Preparedness and
 1845 Community Support ~~Environmental Health~~ of the department or his
 1846 or her designee.

1847 b. A representative from the county health departments.

1848 c. A representative from the home building industry

1849 recommended by the Florida Home Builders Association.

1850 d. A representative from the septic tank industry
1851 recommended by the Florida Onsite Wastewater Association.

1852 e. A representative from the Department of Environmental
1853 Protection.

1854 f. A representative from the real estate industry who is
1855 also a developer in this state who develops lots using onsite
1856 sewage treatment and disposal systems, recommended by the
1857 Florida Association of Realtors.

1858 g. A representative from the engineering profession
1859 recommended by the Florida Engineering Society.

1860
1861 Members shall be appointed for a term of 3 years, with such
1862 appointments being staggered so that the terms of no more than
1863 two members expire in any one year. Members shall serve without
1864 remuneration, but if requested, shall be reimbursed for per diem
1865 and travel expenses as provided in s. 112.061.

1866 (i) A construction permit may not be issued for an onsite
1867 sewage treatment and disposal system in any area zoned or used
1868 for industrial or manufacturing purposes, or its equivalent,
1869 where a publicly owned or investor-owned sewage treatment system
1870 is available, or where a likelihood exists that the system will
1871 receive toxic, hazardous, or industrial waste. An existing
1872 onsite sewage treatment and disposal system may be repaired if a
1873 publicly owned or investor-owned sewerage system is not
1874 available within 500 feet of the building sewer stub-out and if
1875 system construction and operation standards can be met. This
1876 paragraph does not require publicly owned or investor-owned

1877 sewerage treatment systems to accept anything other than
1878 domestic wastewater.

1879 1. A building located in an area zoned or used for
1880 industrial or manufacturing purposes, or its equivalent, when
1881 such building is served by an onsite sewage treatment and
1882 disposal system, must not be occupied until the owner or tenant
1883 has obtained written approval from the department. The
1884 department shall not grant approval when the proposed use of the
1885 system is to dispose of toxic, hazardous, or industrial
1886 wastewater or toxic or hazardous chemicals.

1887 2. Each person who owns or operates a business or facility
1888 in an area zoned or used for industrial or manufacturing
1889 purposes, or its equivalent, or who owns or operates a business
1890 that has the potential to generate toxic, hazardous, or
1891 industrial wastewater or toxic or hazardous chemicals, and uses
1892 an onsite sewage treatment and disposal system that is installed
1893 on or after July 5, 1989, must obtain an annual system operating
1894 permit from the department. A person who owns or operates a
1895 business that uses an onsite sewage treatment and disposal
1896 system that was installed and approved before July 5, 1989, need
1897 not obtain a system operating permit. However, upon change of
1898 ownership or tenancy, the new owner or operator must notify the
1899 department of the change, and the new owner or operator must
1900 obtain an annual system operating permit, regardless of the date
1901 that the system was installed or approved.

1902 3. The department shall periodically review and evaluate
1903 the continued use of onsite sewage treatment and disposal
1904 systems in areas zoned or used for industrial or manufacturing

1905 | purposes, or its equivalent, and may require the collection and
 1906 | analyses of samples from within and around such systems. If the
 1907 | department finds that toxic or hazardous chemicals or toxic,
 1908 | hazardous, or industrial wastewater have been or are being
 1909 | disposed of through an onsite sewage treatment and disposal
 1910 | system, the department shall initiate enforcement actions
 1911 | against the owner or tenant to ensure adequate cleanup,
 1912 | treatment, and disposal.

1913 | (j) An onsite sewage treatment and disposal system for a
 1914 | single-family residence that is designed by a professional
 1915 | engineer registered in the state and certified by such engineer
 1916 | as complying with performance criteria adopted by the department
 1917 | must be approved by the department subject to the following:

1918 | 1. The performance criteria applicable to engineer-
 1919 | designed systems must be limited to those necessary to ensure
 1920 | that such systems do not adversely affect the public health or
 1921 | significantly degrade the groundwater or surface water. Such
 1922 | performance criteria shall include consideration of the quality
 1923 | of system effluent, the proposed total sewage flow per acre,
 1924 | wastewater treatment capabilities of the natural or replaced
 1925 | soil, water quality classification of the potential surface-
 1926 | water-receiving body, and the structural and maintenance
 1927 | viability of the system for the treatment of domestic
 1928 | wastewater. However, performance criteria shall address only the
 1929 | performance of a system and not a system's design.

1930 | 2. The technical review and advisory panel shall assist
 1931 | the department in the development of performance criteria
 1932 | applicable to engineer-designed systems.

1933 3. A person electing to utilize an engineer-designed
 1934 system shall, upon completion of the system design, submit such
 1935 design, certified by a registered professional engineer, to the
 1936 county health department. The county health department may
 1937 utilize an outside consultant to review the engineer-designed
 1938 system, with the actual cost of such review to be borne by the
 1939 applicant. Within 5 working days after receiving an engineer-
 1940 designed system permit application, the county health department
 1941 shall request additional information if the application is not
 1942 complete. Within 15 working days after receiving a complete
 1943 application for an engineer-designed system, the county health
 1944 department either shall issue the permit or, if it determines
 1945 that the system does not comply with the performance criteria,
 1946 shall notify the applicant of that determination and refer the
 1947 application to the department for a determination as to whether
 1948 the system should be approved, disapproved, or approved with
 1949 modification. The department engineer's determination shall
 1950 prevail over the action of the county health department. The
 1951 applicant shall be notified in writing of the department's
 1952 determination and of the applicant's rights to pursue a variance
 1953 or seek review under the provisions of chapter 120.

1954 4. The owner of an engineer-designed performance-based
 1955 system must maintain a current maintenance service agreement
 1956 with a maintenance entity permitted by the department. The
 1957 maintenance entity shall obtain a biennial system operating
 1958 permit from the department for each system under service
 1959 contract. The department shall inspect the system at least
 1960 annually, or on such periodic basis as the fee collected

1961 permits, and may collect system-effluent samples if appropriate
 1962 to determine compliance with the performance criteria. The fee
 1963 for the biennial operating permit shall be collected beginning
 1964 with the second year of system operation. The maintenance entity
 1965 shall inspect each system at least twice each year and shall
 1966 report quarterly to the department on the number of systems
 1967 inspected and serviced.

1968 5. If an engineer-designed system fails to properly
 1969 function or fails to meet performance standards, the system
 1970 shall be re-engineered, if necessary, to bring the system into
 1971 compliance with the provisions of this section.

1972 (k) An innovative system may be approved in conjunction
 1973 with an engineer-designed site-specific system which is
 1974 certified by the engineer to meet the performance-based criteria
 1975 adopted by the department.

1976 (l) For the Florida Keys, the department shall adopt a
 1977 special rule for the construction, installation, modification,
 1978 operation, repair, maintenance, and performance of onsite sewage
 1979 treatment and disposal systems which considers the unique soil
 1980 conditions and water table elevations, densities, and setback
 1981 requirements. On lots where a setback distance of 75 feet from
 1982 surface waters, saltmarsh, and buttonwood association habitat
 1983 areas cannot be met, an injection well, approved and permitted
 1984 by the department, may be used for disposal of effluent from
 1985 onsite sewage treatment and disposal systems. The following
 1986 additional requirements apply to onsite sewage treatment and
 1987 disposal systems in Monroe County:

1988 1. The county, each municipality, and those special

1989 districts established for the purpose of the collection,
 1990 transmission, treatment, or disposal of sewage shall ensure, in
 1991 accordance with the specific schedules adopted by the
 1992 Administration Commission under s. 380.0552, the completion of
 1993 onsite sewage treatment and disposal system upgrades to meet the
 1994 requirements of this paragraph.

1995 2. Onsite sewage treatment and disposal systems must cease
 1996 discharge by December 31, 2015, or must comply with department
 1997 rules and provide the level of treatment which, on a permitted
 1998 annual average basis, produces an effluent that contains no more
 1999 than the following concentrations:

- 2000 a. Biochemical Oxygen Demand (CBOD5) of 10 mg/l.
- 2001 b. Suspended Solids of 10 mg/l.
- 2002 c. Total Nitrogen, expressed as N, of 10 mg/l.
- 2003 d. Total Phosphorus, expressed as P, of 1 mg/l.

2004
 2005 In addition, onsite sewage treatment and disposal systems
 2006 discharging to an injection well must provide basic disinfection
 2007 as defined by department rule.

2008 3. On or after July 1, 2010, all new, modified, and
 2009 repaired onsite sewage treatment and disposal systems must
 2010 provide the level of treatment described in subparagraph 2.
 2011 However, in areas scheduled to be served by central sewer by
 2012 December 31, 2015, if the property owner has paid a connection
 2013 fee or assessment for connection to the central sewer system, an
 2014 onsite sewage treatment and disposal system may be repaired to
 2015 the following minimum standards:

- 2016 a. The existing tanks must be pumped and inspected and

2017 certified as being watertight and free of defects in accordance
 2018 with department rule; and

2019 b. A sand-lined drainfield or injection well in accordance
 2020 with department rule must be installed.

2021 4. Onsite sewage treatment and disposal systems must be
 2022 monitored for total nitrogen and total phosphorus concentrations
 2023 as required by department rule.

2024 5. The department shall enforce proper installation,
 2025 operation, and maintenance of onsite sewage treatment and
 2026 disposal systems pursuant to this chapter, including ensuring
 2027 that the appropriate level of treatment described in
 2028 subparagraph 2. is met.

2029 6. The authority of a local government, including a
 2030 special district, to mandate connection of an onsite sewage
 2031 treatment and disposal system is governed by s. 4, chapter 99-
 2032 395, Laws of Florida.

2033 (m) No product sold in the state for use in onsite sewage
 2034 treatment and disposal systems may contain any substance in
 2035 concentrations or amounts that would interfere with or prevent
 2036 the successful operation of such system, or that would cause
 2037 discharges from such systems to violate applicable water quality
 2038 standards. The department shall publish criteria for products
 2039 known or expected to meet the conditions of this paragraph. In
 2040 the event a product does not meet such criteria, such product
 2041 may be sold if the manufacturer satisfactorily demonstrates to
 2042 the department that the conditions of this paragraph are met.

2043 (n) Evaluations for determining the seasonal high-water
 2044 table elevations or the suitability of soils for the use of a

2045 new onsite sewage treatment and disposal system shall be
 2046 performed by department personnel, professional engineers
 2047 registered in the state, or such other persons with expertise,
 2048 as defined by rule, in making such evaluations. Evaluations for
 2049 determining mean annual flood lines shall be performed by those
 2050 persons identified in paragraph (2) (j) ~~(2) (i)~~. The department
 2051 shall accept evaluations submitted by professional engineers and
 2052 such other persons as meet the expertise established by this
 2053 section or by rule unless the department has a reasonable
 2054 scientific basis for questioning the accuracy or completeness of
 2055 the evaluation.

2056 (o) The department shall appoint a research review and
 2057 advisory committee, which shall meet at least semiannually. The
 2058 committee shall advise the department on directions for new
 2059 research, review and rank proposals for research contracts, and
 2060 review draft research reports and make comments. The committee
 2061 is comprised of:

2062 1. A representative of the Division of Emergency
 2063 Preparedness and Community Support ~~Environmental Health~~ of the
 2064 Department of Health.

2065 2. A representative from the septic tank industry.

2066 3. A representative from the home building industry.

2067 4. A representative from an environmental interest group.

2068 5. A representative from the State University System, from
 2069 a department knowledgeable about onsite sewage treatment and
 2070 disposal systems.

2071 6. A professional engineer registered in this state who
 2072 has work experience in onsite sewage treatment and disposal

2073 systems.

2074 7. A representative from local government who is
2075 knowledgeable about domestic wastewater treatment.

2076 8. A representative from the real estate profession.

2077 9. A representative from the restaurant industry.

2078 10. A consumer.

2079

2080 Members shall be appointed for a term of 3 years, with the
2081 appointments being staggered so that the terms of no more than
2082 four members expire in any one year. Members shall serve without
2083 remuneration, but are entitled to reimbursement for per diem and
2084 travel expenses as provided in s. 112.061.

2085 (p) An application for an onsite sewage treatment and
2086 disposal system permit shall be completed in full, signed by the
2087 owner or the owner's authorized representative, or by a
2088 contractor licensed under chapter 489, and shall be accompanied
2089 by all required exhibits and fees. No specific documentation of
2090 property ownership shall be required as a prerequisite to the
2091 review of an application or the issuance of a permit. The
2092 issuance of a permit does not constitute determination by the
2093 department of property ownership.

2094 (q) The department may not require any form of subdivision
2095 analysis of property by an owner, developer, or subdivider prior
2096 to submission of an application for an onsite sewage treatment
2097 and disposal system.

2098 (r) Nothing in this section limits the power of a
2099 municipality or county to enforce other laws for the protection
2100 of the public health and safety.

2101 (s) In the siting of onsite sewage treatment and disposal
 2102 systems, including drainfields, shoulders, and slopes, guttering
 2103 shall not be required on single-family residential dwelling
 2104 units for systems located greater than 5 feet from the roof drip
 2105 line of the house. If guttering is used on residential dwelling
 2106 units, the downspouts shall be directed away from the
 2107 drainfield.

2108 (t) Notwithstanding the provisions of subparagraph (g)1.,
 2109 onsite sewage treatment and disposal systems located in
 2110 floodways of the Suwannee and Aucilla Rivers must adhere to the
 2111 following requirements:

2112 1. The absorption surface of the drainfield shall not be
 2113 subject to flooding based on 10-year flood elevations. Provided,
 2114 however, for lots or parcels created by the subdivision of land
 2115 in accordance with applicable local government regulations prior
 2116 to January 17, 1990, if an applicant cannot construct a
 2117 drainfield system with the absorption surface of the drainfield
 2118 at an elevation equal to or above 10-year flood elevation, the
 2119 department shall issue a permit for an onsite sewage treatment
 2120 and disposal system within the 10-year floodplain of rivers,
 2121 streams, and other bodies of flowing water if all of the
 2122 following criteria are met:

- 2123 a. The lot is at least one-half acre in size;
- 2124 b. The bottom of the drainfield is at least 36 inches
 2125 above the 2-year flood elevation; and
- 2126 c. The applicant installs either: a waterless,
 2127 incinerating, or organic waste composting toilet and a graywater
 2128 system and drainfield in accordance with department rules; an

CS/CS/HB 1263

2012

2129 aerobic treatment unit and drainfield in accordance with
2130 department rules; a system approved by the State Health Office
2131 that is capable of reducing effluent nitrate by at least 50
2132 percent; or a system approved by the county health department
2133 pursuant to department rule other than a system using
2134 alternative drainfield materials. The United States Department
2135 of Agriculture Soil Conservation Service soil maps, State of
2136 Florida Water Management District data, and Federal Emergency
2137 Management Agency Flood Insurance maps are resources that shall
2138 be used to identify flood-prone areas.

2139 2. The use of fill or mounding to elevate a drainfield
2140 system out of the 10-year floodplain of rivers, streams, or
2141 other bodies of flowing water shall not be permitted if such a
2142 system lies within a regulatory floodway of the Suwannee and
2143 Aucilla Rivers. In cases where the 10-year flood elevation does
2144 not coincide with the boundaries of the regulatory floodway, the
2145 regulatory floodway will be considered for the purposes of this
2146 subsection to extend at a minimum to the 10-year flood
2147 elevation.

2148 (u) The owner of an aerobic treatment unit system shall
2149 maintain a current maintenance service agreement with an aerobic
2150 treatment unit maintenance entity permitted by the department.
2151 The maintenance entity shall obtain a system operating permit
2152 from the department for each aerobic treatment unit under
2153 service contract. The maintenance entity shall inspect each
2154 aerobic treatment unit system at least twice each year and shall
2155 report quarterly to the department on the number of aerobic
2156 treatment unit systems inspected and serviced. The owner shall

CS/CS/HB 1263

2012

2157 allow the department to inspect during reasonable hours each
2158 aerobic treatment unit system at least annually, and such
2159 inspection may include collection and analysis of system-
2160 effluent samples for performance criteria established by rule of
2161 the department.

2162 (v) The department may require the submission of detailed
2163 system construction plans that are prepared by a professional
2164 engineer registered in this state. The department shall
2165 establish by rule criteria for determining when such a
2166 submission is required.

2167 (w) Any permit issued and approved by the department for
2168 the installation, modification, or repair of an onsite sewage
2169 treatment and disposal system shall transfer with the title to
2170 the property in a real estate transaction. A title may not be
2171 encumbered at the time of transfer by new permit requirements by
2172 a governmental entity for an onsite sewage treatment and
2173 disposal system that differ from the permitting requirements in
2174 effect at the time the system was permitted, modified, or
2175 repaired. An inspection of a system may not be mandated by any
2176 governmental entity at the point of sale in a real estate
2177 transaction.

2178 (x)1. An onsite sewage treatment and disposal system is
2179 not considered abandoned if the system is disconnected from a
2180 structure that was made unusable or destroyed following a
2181 disaster and was properly functioning at the time of
2182 disconnection and not adversely affected by the disaster. The
2183 onsite sewage treatment and disposal system may be reconnected
2184 to a rebuilt structure if:

2185 a. The reconnection of the system is to the same type and
 2186 approximate size of structure that existed prior to the
 2187 disaster;

2188 b. The system is not a sanitary nuisance; and

2189 c. The system has not been altered without prior
 2190 authorization.

2191 2. An onsite sewage treatment and disposal system that
 2192 serves a property that is foreclosed upon is not considered
 2193 abandoned.

2194 (y) If an onsite sewage treatment and disposal system
 2195 permittee receives, relies upon, and undertakes construction of
 2196 a system based upon a validly issued construction permit under
 2197 rules applicable at the time of construction but a change to a
 2198 rule occurs after the approval of the system for construction
 2199 but before the final approval of the system, the rules
 2200 applicable and in effect at the time of construction approval
 2201 apply at the time of final approval if fundamental site
 2202 conditions have not changed between the time of construction
 2203 approval and final approval.

2204 (z) A modification, replacement, or upgrade of an onsite
 2205 sewage treatment and disposal system is not required for a
 2206 remodeling addition to a single-family home if a bedroom is not
 2207 added.

2208 ~~(5) EVALUATION AND ASSESSMENT.—~~

2209 ~~(a) Beginning July 1, 2011, the department shall~~
 2210 ~~administer an onsite sewage treatment and disposal system~~
 2211 ~~evaluation program for the purpose of assessing the fundamental~~
 2212 ~~operational condition of systems and identifying any failures~~

2213 ~~within the systems. The department shall adopt rules~~
 2214 ~~implementing the program standards, procedures, and~~
 2215 ~~requirements, including, but not limited to, a schedule for a 5-~~
 2216 ~~year evaluation cycle, requirements for the pump out of a system~~
 2217 ~~or repair of a failing system, enforcement procedures for~~
 2218 ~~failure of a system owner to obtain an evaluation of the system,~~
 2219 ~~and failure of a contractor to timely submit evaluation results~~
 2220 ~~to the department and the system owner. The department shall~~
 2221 ~~ensure statewide implementation of the evaluation and assessment~~
 2222 ~~program by January 1, 2016.~~

2223 ~~(b) Owners of an onsite sewage treatment and disposal~~
 2224 ~~system, excluding a system that is required to obtain an~~
 2225 ~~operating permit, shall have the system evaluated at least once~~
 2226 ~~every 5 years to assess the fundamental operational condition of~~
 2227 ~~the system, and identify any failure within the system.~~

2228 ~~(c) All evaluation procedures must be documented and~~
 2229 ~~nothing in this subsection limits the amount of detail an~~
 2230 ~~evaluator may provide at his or her professional discretion. The~~
 2231 ~~evaluation must include a tank and drainfield evaluation, a~~
 2232 ~~written assessment of the condition of the system, and, if~~
 2233 ~~necessary, a disclosure statement pursuant to the department's~~
 2234 ~~procedure.~~

2235 ~~(d)1. Systems being evaluated that were installed prior to~~
 2236 ~~January 1, 1983, shall meet a minimum 6-inch separation from the~~
 2237 ~~bottom of the drainfield to the wettest season water table~~
 2238 ~~elevation as defined by department rule. All drainfield repairs,~~
 2239 ~~replacements or modifications to systems installed prior to~~
 2240 ~~January 1, 1983, shall meet a minimum 12-inch separation from~~

2241 ~~the bottom of the drainfield to the wettest season water table~~
 2242 ~~elevation as defined by department rule.~~

2243 ~~2. Systems being evaluated that were installed on or after~~
 2244 ~~January 1, 1983, shall meet a minimum 12-inch separation from~~
 2245 ~~the bottom of the drainfield to the wettest season water table~~
 2246 ~~elevation as defined by department rule. All drainfield repairs,~~
 2247 ~~replacements or modification to systems developed on or after~~
 2248 ~~January 1, 1983, shall meet a minimum 24-inch separation from~~
 2249 ~~the bottom of the drainfield to the wettest season water table~~
 2250 ~~elevation.~~

2251 ~~(c) If documentation of a tank pump-out or a permitted new~~
 2252 ~~installation, repair, or modification of the system within the~~
 2253 ~~previous 5 years is provided, and states the capacity of the~~
 2254 ~~tank and indicates that the condition of the tank is not a~~
 2255 ~~sanitary or public health nuisance pursuant to department rule,~~
 2256 ~~a pump-out of the system is not required.~~

2257 ~~(f) Owners are responsible for paying the cost of any~~
 2258 ~~required pump-out, repair, or replacement pursuant to department~~
 2259 ~~rule, and may not request partial evaluation or the omission of~~
 2260 ~~portions of the evaluation.~~

2261 ~~(g) Each evaluation or pump-out required under this~~
 2262 ~~subsection must be performed by a septic tank contractor or~~
 2263 ~~master septic tank contractor registered under part III of~~
 2264 ~~chapter 489, a professional engineer with wastewater treatment~~
 2265 ~~system experience licensed pursuant to chapter 471, or an~~
 2266 ~~environmental health professional certified under chapter 381 in~~
 2267 ~~the area of onsite sewage treatment and disposal system~~
 2268 ~~evaluation.~~

2269 ~~(h) The evaluation report fee collected pursuant to s.~~
 2270 ~~381.0066(2) (b) shall be remitted to the department by the~~
 2271 ~~evaluator at the time the report is submitted.~~

2272 ~~(i) Prior to any evaluation deadline, the department must~~
 2273 ~~provide a minimum of 60 days' notice to owners that their~~
 2274 ~~systems must be evaluated by that deadline. The department may~~
 2275 ~~include a copy of any homeowner educational materials developed~~
 2276 ~~pursuant to this section which provides information on the~~
 2277 ~~proper maintenance of onsite sewage treatment and disposal~~
 2278 ~~systems.~~

2279 (5) ~~(6)~~ ENFORCEMENT; RIGHT OF ENTRY; CITATIONS.-

2280 (a) Department personnel who have reason to believe
 2281 noncompliance exists, may at any reasonable time, enter the
 2282 premises permitted under ss. 381.0065-381.0066, or the business
 2283 premises of any septic tank contractor or master septic tank
 2284 contractor registered under part III of chapter 489, or any
 2285 premises that the department has reason to believe is being
 2286 operated or maintained not in compliance, to determine
 2287 compliance with the provisions of this section, part I of
 2288 chapter 386, or part III of chapter 489 or rules or standards
 2289 adopted under ss. 381.0065-381.0067, part I of chapter 386, or
 2290 part III of chapter 489. As used in this paragraph, the term
 2291 "premises" does not include a residence or private building. To
 2292 gain entry to a residence or private building, the department
 2293 must obtain permission from the owner or occupant or secure an
 2294 inspection warrant from a court of competent jurisdiction.

2295 (b)1. The department may issue citations that may contain
 2296 an order of correction or an order to pay a fine, or both, for

2297 | violations of ss. 381.0065-381.0067, part I of chapter 386, or
2298 | part III of chapter 489 or the rules adopted by the department,
2299 | when a violation of these sections or rules is enforceable by an
2300 | administrative or civil remedy, or when a violation of these
2301 | sections or rules is a misdemeanor of the second degree. A
2302 | citation issued under ss. 381.0065-381.0067, part I of chapter
2303 | 386, or part III of chapter 489 constitutes a notice of proposed
2304 | agency action.

2305 | 2. A citation must be in writing and must describe the
2306 | particular nature of the violation, including specific reference
2307 | to the provisions of law or rule allegedly violated.

2308 | 3. The fines imposed by a citation issued by the
2309 | department may not exceed \$500 for each violation. Each day the
2310 | violation exists constitutes a separate violation for which a
2311 | citation may be issued.

2312 | 4. The department shall inform the recipient, by written
2313 | notice pursuant to ss. 120.569 and 120.57, of the right to an
2314 | administrative hearing to contest the citation within 21 days
2315 | after the date the citation is received. The citation must
2316 | contain a conspicuous statement that if the recipient fails to
2317 | pay the fine within the time allowed, or fails to appear to
2318 | contest the citation after having requested a hearing, the
2319 | recipient has waived the recipient's right to contest the
2320 | citation and must pay an amount up to the maximum fine.

2321 | 5. The department may reduce or waive the fine imposed by
2322 | the citation. In determining whether to reduce or waive the
2323 | fine, the department must consider the gravity of the violation,
2324 | the person's attempts at correcting the violation, and the

2325 person's history of previous violations including violations for
 2326 which enforcement actions were taken under ss. 381.0065-
 2327 381.0067, part I of chapter 386, part III of chapter 489, or
 2328 other provisions of law or rule.

2329 6. Any person who willfully refuses to sign and accept a
 2330 citation issued by the department commits a misdemeanor of the
 2331 second degree, punishable as provided in s. 775.082 or s.
 2332 775.083.

2333 7. The department, pursuant to ss. 381.0065-381.0067, part
 2334 I of chapter 386, or part III of chapter 489, shall deposit any
 2335 fines it collects in the county health department trust fund for
 2336 use in providing services specified in those sections.

2337 8. This section provides an alternative means of enforcing
 2338 ss. 381.0065-381.0067, part I of chapter 386, and part III of
 2339 chapter 489. This section does not prohibit the department from
 2340 enforcing ss. 381.0065-381.0067, part I of chapter 386, or part
 2341 III of chapter 489, or its rules, by any other means. However,
 2342 the department must elect to use only a single method of
 2343 enforcement for each violation.

2344 (6)~~(7)~~ LAND APPLICATION OF SEPTAGE PROHIBITED.—Effective
 2345 January 1, 2016, the land application of septage from onsite
 2346 sewage treatment and disposal systems is prohibited. ~~By February~~
 2347 ~~1, 2011, the department, in consultation with the Department of~~
 2348 ~~Environmental Protection, shall provide a report to the~~
 2349 ~~Governor, the President of the Senate, and the Speaker of the~~
 2350 ~~House of Representatives, recommending alternative methods to~~
 2351 ~~establish enhanced treatment levels for the land application of~~
 2352 ~~septage from onsite sewage and disposal systems. The report~~

2353 ~~shall include, but is not limited to, a schedule for the~~
 2354 ~~reduction in land application, appropriate treatment levels,~~
 2355 ~~alternative methods for treatment and disposal, enhanced~~
 2356 ~~application site permitting requirements including any~~
 2357 ~~requirements for nutrient management plans, and the range of~~
 2358 ~~costs to local governments, affected businesses, and individuals~~
 2359 ~~for alternative treatment and disposal methods. The report shall~~
 2360 ~~also include any recommendations for legislation or rule~~
 2361 ~~authority needed to reduce land application of septage.~~

2362 Section 32. Section 381.00651, Florida Statutes, is
 2363 created to read:

2364 381.00651 Periodic evaluation and assessment of onsite
 2365 sewage treatment and disposal systems.-

2366 (1) (a) For the purposes of this subsection, the term
 2367 "first magnitude spring" means a spring that has a median water
 2368 discharge of greater than or equal to 100 cubic feet per second
 2369 for the period of record, as determined by the Department of
 2370 Environmental Protection.

2371 (b) A county or municipality containing a first magnitude
 2372 spring that has not adopted an onsite sewage treatment and
 2373 disposal system evaluation and assessment program or that does
 2374 not opt out of this section shall develop and adopt by ordinance
 2375 a local onsite sewage treatment and disposal system evaluation
 2376 and assessment program that meets the requirements of this
 2377 section within all or part of its geographic area. A county or
 2378 municipality that does not contain a first magnitude spring may
 2379 develop and adopt by local ordinance an onsite sewage treatment
 2380 and disposal system evaluation and assessment program that meets

2381 the requirements of this section within all or part of its
2382 geographic area. A county or municipality that has adopted an
2383 onsite sewage treatment and disposal system evaluation and
2384 assessment program before July 1, 2011, may continue to enforce
2385 its program without having to meet the requirements of this
2386 section if the program does not require an evaluation of the
2387 system at the point of sale in a real estate transaction.

2388 (c) By a majority vote of the local governing body, a
2389 county or municipality containing a first magnitude spring may
2390 opt out of the requirements of this section at any time before
2391 January 1, 2013, by adopting a separate resolution. The
2392 resolution shall be directed to and filed with the Secretary of
2393 State and shall state the intent of the county or municipality
2394 not to adopt an onsite sewage treatment and disposal system
2395 evaluation and assessment program. Absent an interlocal
2396 agreement or county charter provision to the contrary, a
2397 municipality may elect to opt out of the requirements of this
2398 section notwithstanding the decision of the governing body of
2399 the county in which the municipality is located. A county or
2400 municipality may subsequently adopt an ordinance imposing an
2401 onsite sewage treatment and disposal system evaluation and
2402 assessment program if the program meets the requirements of this
2403 section.

2404 (d) A county or municipality may repeal an ordinance
2405 adopted pursuant to this section only if the county or
2406 municipality notifies the Secretary of State by letter of the
2407 repeal. A county or municipality may not adopt an onsite sewer
2408 treatment and disposal system evaluation and assessment program

2409 except pursuant to this section.

2410 (2) An onsite sewage treatment and disposal system
2411 evaluation and assessment program adopted pursuant to this
2412 section shall provide for the following:

2413 (a) Evaluations.—An evaluation of each onsite sewage
2414 treatment and disposal system within all or part of the county's
2415 or municipality's jurisdiction must take place once every 5
2416 years to assess the fundamental operational condition of the
2417 system and to identify system failures. The ordinance may not
2418 mandate an evaluation at the point of sale in a real estate
2419 transaction and may not require a soil examination. The location
2420 of the system shall be identified. A tank and drainfield
2421 evaluation and a written assessment of the overall condition of
2422 the system pursuant to the assessment procedure prescribed in
2423 paragraph (3) (d) are required.

2424 (b) Qualified contractors.—Each evaluation required under
2425 this subsection must be performed by a qualified contractor who
2426 may be a septic tank contractor or master septic tank contractor
2427 registered under part III of chapter 489, a professional
2428 engineer having wastewater treatment system experience and
2429 licensed under chapter 471, or an environmental health
2430 professional certified under this chapter in the area of onsite
2431 sewage treatment and disposal system evaluation. Evaluations and
2432 pump-outs may also be performed by an authorized employee
2433 working under the supervision of an individual specified in this
2434 paragraph; however, all evaluation forms must be signed by a
2435 qualified contractor in writing or by electronic signature.

2436 (c) Repair of systems.—The local ordinance may not require

2437 a repair, modification, or replacement of a system as a result
 2438 of an evaluation unless the evaluation identifies a system
 2439 failure. For purposes of this subsection, the term "system
 2440 failure" means a condition existing within an onsite sewage
 2441 treatment and disposal system that results in the discharge of
 2442 untreated or partially treated wastewater onto the ground
 2443 surface or into surface water or that results in the failure of
 2444 building plumbing to discharge properly and presents a sanitary
 2445 nuisance. A system is not in failure if the system does not have
 2446 a minimum separation distance between the drainfield and the
 2447 wettest season water table or if an obstruction in a sanitary
 2448 line or an effluent screen or filter prevents effluent from
 2449 flowing into a drainfield. If a system failure is identified and
 2450 several allowable remedial measures are available to resolve the
 2451 failure, the system owner may choose the least costly allowable
 2452 remedial measure to fix the system. There may be instances in
 2453 which a pump-out is sufficient to resolve a system failure.
 2454 Allowable remedial measures to resolve a system failure are
 2455 limited to what is necessary to resolve the failure and must
 2456 meet, to the maximum extent practicable, the requirements of the
 2457 repair code in effect when the repair is made, subject to the
 2458 exceptions specified in s. 381.0065(4)(g). An engineer-designed
 2459 performance-based treatment system to reduce nutrients may not
 2460 be required as an alternative remediation measure to resolve the
 2461 failure of a conventional system.

2462 (d) Exemptions.-

- 2463 1. The local ordinance shall exempt from the evaluation
 2464 requirements any system that is required to obtain an operating

CS/CS/HB 1263

2012

2465 permit pursuant to state law or that is inspected by the
2466 department pursuant to the annual permit inspection requirements
2467 of chapter 513.

2468 2. The local ordinance may provide for an exemption or an
2469 extension of time to obtain an evaluation and assessment if
2470 connection to a sewer system is available, connection to the
2471 sewer system is imminent, and written arrangements for payment
2472 of any utility assessments or connection fees have been made by
2473 the system owner.

2474 3. A septic tank system serving residential dwelling units
2475 on lots with a ratio of one bedroom per acre or greater is
2476 exempt from the requirements of this section and may not be
2477 included in any septic tank inspection program.

2478 (3) The following procedures shall be used for conducting
2479 evaluations:

2480 (a) Tank evaluation.—The tank evaluation shall assess the
2481 apparent structural condition and watertightness of the tank and
2482 shall estimate the size of the tank. The evaluation must include
2483 a pump-out. However, an ordinance may not require a pump-out if
2484 there is documentation indicating that a tank pump-out or a
2485 permitted new installation, repair, or modification of the
2486 system has occurred within the previous 5 years, identifying the
2487 capacity of the tank, and indicating that the condition of the
2488 tank is structurally sound and watertight. Visual inspection of
2489 the tank must be made when the tank is empty to detect cracks,
2490 leaks, or other defects. Baffles or tees must be checked to
2491 ensure that they are intact and secure. The evaluation shall
2492 note the presence and condition of outlet devices, effluent

2493 filters, and compartment walls; any structural defect in the
 2494 tank; the condition and fit of the tank lid, including manholes;
 2495 whether surface water can infiltrate the tank; and whether the
 2496 tank was pumped out. If the tank, in the opinion of the
 2497 qualified contractor, is in danger of being damaged by leaving
 2498 the tank empty after inspection, the tank shall be refilled
 2499 before concluding the inspection. Broken or damaged lids or
 2500 manholes shall be replaced without obtaining a repair permit.

2501 (b) Drainfield evaluation.—The drainfield evaluation must
 2502 include a determination of the approximate size and location of
 2503 the drainfield. The evaluation shall state whether there is any
 2504 sewage or effluent visible on the ground or discharging to a
 2505 ditch or other water body and the location of any downspout or
 2506 other source of water near or in the vicinity of the drainfield.

2507 (c) Special circumstances.—If the system contains pumps,
 2508 siphons, or alarms, the following information may be provided at
 2509 the request of the homeowner:

2510 1. An assessment of dosing tank integrity, including the
 2511 approximate volume and the type of material used in the tank's
 2512 construction;

2513 2. Whether the pump is elevated off the bottom of the
 2514 chamber and its operational status;

2515 3. Whether the system has a check valve and purge hole;
 2516 and

2517 4. Whether the system has a high-water alarm, and if so
 2518 whether the alarm is audio or visual or both, the location and
 2519 operational condition of the alarm, and whether the electrical
 2520 connections to the alarm appear satisfactory.

CS/CS/HB 1263

2012

2521 5. If the homeowner does not request this information, the
2522 qualified contractor and its employee shall not be liable for
2523 any damages directly relating from a failure of the system's
2524 pumps, siphons, or alarms. This exclusion of liability shall be
2525 stated on the front cover of the report required under paragraph
2526 (d).

2527 (d) Assessment procedure.—All evaluation procedures used
2528 by a qualified contractor shall be documented in the
2529 Environmental Health Database. The qualified contractor shall
2530 provide a copy of a written, signed evaluation report to the
2531 property owner upon completion of the evaluation and to the
2532 county health department within 30 days after the evaluation.
2533 The report shall contain the name and license number of the
2534 company providing the report. A copy of the evaluation report
2535 shall be retained by the local county health department for a
2536 minimum of 5 years and until a subsequent inspection report is
2537 filed. The front cover of the report must identify any system
2538 failure and include a clear and conspicuous notice to the owner
2539 that the owner has a right to have any remediation of the
2540 failure performed by a qualified contractor other than the
2541 contractor performing the evaluation. The report must further
2542 identify any crack, leak, improper fit, or other defect in the
2543 tank, manhole, or lid, and any other damaged or missing
2544 component; any sewage or effluent visible on the ground or
2545 discharging to a ditch or other surface water body; any
2546 downspout, stormwater, or other source of water directed onto or
2547 toward the system; and any other maintenance need or condition
2548 of the system at the time of the evaluation that, in the opinion

2549 of the qualified contractor, would possibly interfere with or
 2550 restrict any future repair or modification to the existing
 2551 system. The report shall conclude with an overall assessment of
 2552 the fundamental operational condition of the system.

2553 (4) The county health department shall administer any
 2554 evaluation program on behalf of a county, or a municipality
 2555 within the county, that has adopted an evaluation program
 2556 pursuant to this section. In order to administer the evaluation
 2557 program, the county or municipality, in consultation with the
 2558 county health department, may develop a reasonable fee schedule
 2559 to be used solely to pay for the costs of administering the
 2560 evaluation program. Such a fee schedule shall be identified in
 2561 the ordinance that adopts the evaluation program. When arriving
 2562 at a reasonable fee schedule, the estimated annual revenues to
 2563 be derived from fees may not exceed reasonable estimated annual
 2564 costs of the program. Fees shall be assessed to the system owner
 2565 during an inspection and separately identified on the invoice of
 2566 the qualified contractor. Fees shall be remitted by the
 2567 qualified contractor to the county health department. The county
 2568 health department's administrative responsibilities include the
 2569 following:

2570 (a) Providing a notice to the system owner at least 60
 2571 days before the system is due for an evaluation. The notice may
 2572 include information on the proper maintenance of onsite sewage
 2573 treatment and disposal systems.

2574 (b) In consultation with the Department of Health,
 2575 providing uniform disciplinary procedures and penalties for
 2576 qualified contractors who do not comply with the requirements of

2577 the adopted ordinance, including, but not limited to, failure to
 2578 provide the evaluation report as required in this subsection to
 2579 the system owner and the county health department. Only the
 2580 county health department may assess penalties against system
 2581 owners for failure to comply with the adopted ordinance,
 2582 consistent with existing requirements of law.

2583 (5) (a) A county or municipality that adopts an onsite
 2584 sewage treatment and disposal system evaluation and assessment
 2585 program pursuant to this section shall notify the Secretary of
 2586 Environmental Protection, the Department of Health, and the
 2587 applicable county health department upon the adoption of its
 2588 ordinance establishing the program.

2589 (b) Upon receipt of the notice under paragraph (a), the
 2590 Department of Environmental Protection shall, within existing
 2591 resources, notify the county or municipality of the potential
 2592 use of, and access to, program funds under the Clean Water State
 2593 Revolving Fund or s. 319 of the Clean Water Act, provide
 2594 guidance in the application process to receive such moneys, and
 2595 provide advice and technical assistance to the county or
 2596 municipality on how to establish a low-interest revolving loan
 2597 program or how to model a revolving loan program after the low-
 2598 interest loan program of the Clean Water State Revolving Fund.
 2599 This paragraph does not obligate the Department of Environmental
 2600 Protection to provide any county or municipality with money to
 2601 fund such programs.

2602 (c) The Department of Health may not adopt any rule that
 2603 alters the provisions of this section.

2604 (d) The Department of Health must provide access to the

2605 Environmental Health Database to county health departments and
2606 qualified contractors for use in the requirement of this section
2607 for the assimilation of data to track relevant information
2608 resulting from an assessment and evaluation of the overall
2609 condition of onsite sewage treatment and disposal systems. The
2610 Environmental Health Database shall be used by contractors to
2611 report all service and evaluation events and by the county
2612 health department to notify owners of onsite sewage treatment
2613 and disposal systems when evaluations are due. Data and
2614 information shall be recorded and updated as service and
2615 evaluations are conducted and reported.

2616 (6) This section does not:

2617 (a) Derogate or limit county and municipal home rule
2618 authority to act outside the scope of the evaluation and
2619 assessment program set forth in this section.

2620 (b) Repeal or affect any other law relating to the subject
2621 matter of this section.

2622 (c) Prohibit a county or municipality that has adopted an
2623 evaluation and assessment program pursuant to this section from:

2624 1. Enforcing existing ordinances or adopting new
2625 ordinances relating to onsite sewage treatment facilities to
2626 address public health and safety if such ordinances do not
2627 repeal, suspend, or alter the requirements or limitations of
2628 this section.

2629 2. Adopting local environmental and pollution abatement
2630 measures for water quality improvement as provided for by law if
2631 such measures do not repeal, suspend, or alter the requirements
2632 or limitations of this section.

2633 3. Exercising its independent and existing authority to
 2634 use and meet the requirements of s. 381.00655.

2635 Section 33. Section 381.00656, Florida Statutes, is
 2636 repealed.

2637 Section 34. Subsection (2) of section 381.0066, Florida
 2638 Statutes, is amended to read:

2639 381.0066 Onsite sewage treatment and disposal systems;
 2640 fees.—

2641 (2) The minimum fees in the following fee schedule apply
 2642 until changed by rule by the department within the following
 2643 limits:

2644 (a) Application review, permit issuance, or system
 2645 inspection, including repair of a subsurface, mound, filled, or
 2646 other alternative system or permitting of an abandoned system: a
 2647 fee of not less than \$25, or more than \$125.

2648 ~~(b) A 5-year evaluation report submitted pursuant to s.~~
 2649 ~~381.0065(5): a fee not less than \$15, or more than \$30. At least~~
 2650 ~~\$1 and no more than \$5 collected pursuant to this paragraph~~
 2651 ~~shall be used to fund a grant program established under s.~~
 2652 ~~381.00656.~~

2653 (b)(e) Site evaluation, site reevaluation, evaluation of a
 2654 system previously in use, or a per annum septage disposal site
 2655 evaluation: a fee of not less than \$40, or more than \$115.

2656 (c)(d) Biennial Operating permit for aerobic treatment
 2657 units or performance-based treatment systems: a fee of not more
 2658 than \$100.

2659 (d)(e) Annual operating permit for systems located in
 2660 areas zoned for industrial manufacturing or equivalent uses or

CS/CS/HB 1263

2012

2661 where the system is expected to receive wastewater which is not
 2662 domestic in nature: a fee of not less than \$150, or more than
 2663 \$300.

2664 (e)~~(f)~~ Innovative technology: a fee not to exceed \$25,000.

2665 (f)~~(g)~~ Septage disposal service, septage stabilization
 2666 facility, portable or temporary toilet service, tank
 2667 manufacturer inspection: a fee of not less than \$25, or more
 2668 than \$200, per year.

2669 (g)~~(h)~~ Application for variance: a fee of not less than
 2670 \$150, or more than \$300.

2671 (h)~~(i)~~ Annual operating permit for waterless,
 2672 incinerating, or organic waste composting toilets: a fee of not
 2673 less than \$15 ~~\$50~~, or more than \$30 ~~\$150~~.

2674 (i)~~(j)~~ Aerobic treatment unit or performance-based
 2675 treatment system maintenance entity permit: a fee of not less
 2676 than \$25, or more than \$150, per year.

2677 (j)~~(k)~~ Reinspection fee per visit for site inspection
 2678 after system construction approval or for noncompliant system
 2679 installation per site visit: a fee of not less than \$25, or more
 2680 than \$100.

2681 (k)~~(l)~~ Research: An additional \$5 fee shall be added to
 2682 each new system construction permit issued to be used to fund
 2683 onsite sewage treatment and disposal system research,
 2684 demonstration, and training projects. Five dollars from any
 2685 repair permit fee collected under this section shall be used for
 2686 funding the hands-on training centers described in s.
 2687 381.0065(3)(j).

2688 (l)~~(m)~~ Annual operating permit, including annual

2689 inspection and any required sampling and laboratory analysis of
 2690 effluent, for an engineer-designed performance-based system: a
 2691 fee of not less than \$150, or more than \$300.

2692
 2693 ~~On or before January 1, 2011, the Surgeon General, after~~
 2694 ~~consultation with the Revenue Estimating Conference, shall~~
 2695 ~~determine a revenue neutral fee schedule for services provided~~
 2696 ~~pursuant to s. 381.0065(5) within the parameters set in~~
 2697 ~~paragraph (b). Such determination is not subject to the~~
 2698 ~~provisions of chapter 120.~~ The funds collected pursuant to this
 2699 subsection must be deposited in a trust fund administered by the
 2700 department, to be used for the purposes stated in this section
 2701 and ss. 381.0065 and 381.00655.

2702 Section 35. Section 381.0068, Florida Statutes, is amended
 2703 to read:

2704 381.0068 Technical review and advisory panel.—

2705 (1) The Department of Health shall, ~~by July 1, 1996,~~
 2706 establish and staff a technical review and advisory panel to
 2707 assist the department with rule adoption.

2708 (2) The primary purpose of the panel is to assist the
 2709 department in rulemaking and decisionmaking by drawing on the
 2710 expertise of representatives from several groups that are
 2711 affected by onsite sewage treatment and disposal systems. The
 2712 panel may also review and comment on any legislation or any
 2713 existing or proposed state policy or issue related to onsite
 2714 sewage treatment and disposal systems. ~~If requested by the~~
 2715 ~~panel, the chair will advise any affected person or member of~~
 2716 ~~the Legislature of the panel's position on the legislation or~~

CS/CS/HB 1263

2012

2717 ~~any existing or proposed state policy or issue.~~ The chair may
2718 also take such other action as is appropriate to allow the panel
2719 to function. At a minimum, the panel shall consist of a soil
2720 scientist; a professional engineer registered in this state who
2721 is recommended by the Florida Engineering Society and who has
2722 work experience in onsite sewage treatment and disposal systems;
2723 two representatives from the home-building industry recommended
2724 by the Florida Home Builders Association, including one who is a
2725 developer in this state who develops lots using onsite sewage
2726 treatment and disposal systems; a representative from the county
2727 health departments who has experience permitting and inspecting
2728 the installation of onsite sewage treatment and disposal systems
2729 in this state; a representative from the real estate industry
2730 who is recommended by the Florida Association of Realtors; a
2731 consumer representative with a science background; two
2732 representatives of the septic tank industry recommended by the
2733 Florida Onsite Wastewater Association, including one who is a
2734 manufacturer of onsite sewage treatment and disposal systems; a
2735 representative from local government who is knowledgeable about
2736 domestic wastewater treatment and who is recommended by the
2737 Florida Association of Counties and the Florida League of
2738 Cities; and a representative from the environmental health
2739 profession who is recommended by the Florida Environmental
2740 Health Association and who is not employed by a county health
2741 department. Members are to be appointed for a term of 2 years.
2742 The panel may also, as needed, be expanded to include ad hoc,
2743 nonvoting representatives who have topic-specific expertise. All
2744 rules proposed by the department which relate to onsite sewage

2745 treatment and disposal systems must be presented to the panel
 2746 for review and comment prior to adoption. The panel's position
 2747 on proposed rules shall be made a part of the rulemaking record
 2748 that is maintained by the agency. The panel shall select a
 2749 chair, who shall serve for a period of 1 year and who shall
 2750 direct, coordinate, and execute the duties of the panel. The
 2751 panel shall also solicit input from the department's variance
 2752 review and advisory committee before submitting any comments to
 2753 the department concerning proposed rules. The panel's comments
 2754 must include any dissenting points of view concerning proposed
 2755 rules. The panel shall hold meetings as it determines necessary
 2756 to conduct its business, except that the chair, a quorum of the
 2757 voting members of the panel, or the department may call
 2758 meetings. The department shall keep minutes of all meetings of
 2759 the panel. Panel members shall serve without remuneration, but,
 2760 if requested, shall be reimbursed for per diem and travel
 2761 expenses as provided in s. 112.061.

2762 Section 36. Section 381.00781, Florida Statutes, is
 2763 amended to read:

2764 381.00781 Fees; disposition.—

2765 ~~(1)~~ The department shall establish by rule the following
 2766 fees:

2767 (1)(a) ~~Fee~~ For the initial licensure of a tattoo
 2768 establishment and the renewal of such license, a fee which,
 2769 ~~except as provided in subsection (2),~~ may not to exceed \$250 per
 2770 year.

2771 (2)(b) ~~Fee~~ For licensure of a temporary establishment, a
 2772 fee which, ~~except as provided in subsection (2),~~ may not to

2773 exceed \$250.

2774 (3)(e) ~~Fee~~ For the initial licensure of a tattoo artist
 2775 and the renewal of such license, a fee ~~which, except as provided~~
 2776 ~~in subsection (2),~~ may not to exceed \$150 per year.

2777 (3)(d) ~~Fee~~ For registration or reregistration of a guest
 2778 tattoo artist, a fee ~~which, except as provided in subsection~~
 2779 ~~(2),~~ may not to exceed \$45.

2780 (4)(e) ~~Fee~~ For reactivation of an inactive tattoo
 2781 establishment license or tattoo artist license. A license
 2782 becomes inactive if it is not renewed before the expiration of
 2783 the current license.

2784 ~~(2) The department may annually adjust the maximum fees~~
 2785 ~~authorized under subsection (1) according to the rate of~~
 2786 ~~inflation or deflation indicated by the Consumer Price Index for~~
 2787 ~~All Urban Consumers, U.S. City Average, All Items, as reported~~
 2788 ~~by the United States Department of Labor.~~

2789 Section 37. Subsection (1) of section 381.0086, Florida
 2790 Statutes, is amended to read:

2791 381.0086 Rules; variances; penalties.—

2792 (1) The department shall adopt rules necessary to protect
 2793 the health and safety of migrant farmworkers and other migrant
 2794 labor camp or residential migrant housing occupants, including
 2795 rules governing field sanitation facilities. These rules must
 2796 include definitions of terms, a process for ~~provisions relating~~
 2797 ~~to~~ plan review of the construction of new, expanded, or
 2798 remodeled camps or residential migrant housing, sites, buildings
 2799 and structures; and standards for ~~personal hygiene facilities,~~
 2800 ~~lighting,~~ sewage disposal, safety, minimum living space per

CS/CS/HB 1263

2012

2801 occupant, bedding, food equipment, food storage and preparation,
 2802 insect and rodent control, garbage, heating equipment, water
 2803 supply, maintenance and operation of the camp or, housing, ~~or~~
 2804 ~~roads~~, and such other matters as the department finds to be
 2805 appropriate or necessary to protect the life and health of the
 2806 occupants. Housing operated by a public housing authority is
 2807 exempt from the provisions of any administrative rule that
 2808 conflicts with or is more stringent than the federal standards
 2809 applicable to the housing.

2810 Section 38. Subsection (1) of section 381.0098, Florida
 2811 Statutes, is amended to read:

2812 381.0098 Biomedical waste.—

2813 (1) LEGISLATIVE INTENT.—~~It is the intent of the~~
 2814 ~~Legislature to protect the public health by establishing~~
 2815 ~~standards for the safe packaging, transport, storage, treatment,~~
 2816 ~~and disposal of biomedical waste.~~ Except as otherwise provided
 2817 herein, the Department of Health shall regulate the packaging,
 2818 transport, storage, and treatment of biomedical waste. The
 2819 Department of Environmental Protection shall regulate onsite and
 2820 offsite incineration and disposal of biomedical waste.
 2821 Consistent with the foregoing, the Department of Health shall
 2822 have the exclusive authority to establish treatment efficacy
 2823 standards for biomedical waste and the Department of
 2824 Environmental Protection shall have the exclusive authority to
 2825 establish statewide standards relating to environmental impacts,
 2826 if any, of treatment and disposal including, but not limited to,
 2827 water discharges and air emissions. An interagency agreement
 2828 between the Department of Environmental Protection and the

2829 Department of Health shall be developed to ensure maximum
 2830 efficiency in coordinating, administering, and regulating
 2831 biomedical wastes.

2832 Section 39. Subsections (2) through (8) of section
 2833 381.0101, Florida Statutes, are renumbered as subsection (1)
 2834 through (7), respectively, and present subsections (1), (2),
 2835 (3), and (4) and paragraph (a) of present subsection (5) of that
 2836 section are amended to read:

2837 381.0101 Environmental health professionals.—

2838 ~~(1) LEGISLATIVE INTENT. Persons responsible for providing~~
 2839 ~~technical and scientific evaluations of environmental health and~~
 2840 ~~sanitary conditions in business establishments and communities~~
 2841 ~~throughout the state may create a danger to the public health if~~
 2842 ~~they are not skilled or competent to perform such evaluations.~~
 2843 ~~The public relies on the judgment of environmental health~~
 2844 ~~professionals employed by both government agencies and~~
 2845 ~~industries to assure them that environmental hazards are~~
 2846 ~~identified and removed before they endanger the health or safety~~
 2847 ~~of the public. The purpose of this section is to assure the~~
 2848 ~~public that persons specifically responsible for performing~~
 2849 ~~environmental health and sanitary evaluations have been~~
 2850 ~~certified by examination as competent to perform such work.~~

2851 (1)~~(2)~~ DEFINITIONS.—As used in this section:

2852 (a) "Board" means the Environmental Health Professionals
 2853 Advisory Board.

2854 (b) "Department" means the Department of Health.

2855 (c) "Environmental health" means that segment of public
 2856 health work which deals with the examination of those factors in

CS/CS/HB 1263

2012

2857 the human environment which may impact adversely on the health
 2858 status of an individual or the public.

2859 (d) "Environmental health professional" means a person who
 2860 is employed or assigned the responsibility for assessing the
 2861 environmental health or sanitary conditions, as defined by the
 2862 department, within a building, on an individual's property, or
 2863 within the community at large, and who has the knowledge,
 2864 skills, and abilities to carry out these tasks. Environmental
 2865 health professionals may be either field, supervisory, or
 2866 administrative staff members.

2867 ~~(e) "Certified" means a person who has displayed~~
 2868 ~~competency to perform evaluations of environmental or sanitary~~
 2869 ~~conditions through examination.~~

2870 (e) ~~(f)~~ "Registered sanitarian," "R.S.," "Registered
 2871 Environmental Health Specialist," or "R.E.H.S." means a person
 2872 who has been certified by either the National Environmental
 2873 Health Association or the Florida Environmental Health
 2874 Association as knowledgeable in the environmental health
 2875 profession.

2876 (f) ~~(g)~~ "Primary environmental health program" means ~~those~~
 2877 ~~programs determined by the department to be essential for~~
 2878 ~~providing basic environmental and sanitary protection to the~~
 2879 ~~public. At a minimum, these programs shall include food~~
 2880 protection program work and onsite sewage treatment and disposal
 2881 system evaluations.

2882 (2) ~~(3)~~ CERTIFICATION REQUIRED.—~~A No person may not shall~~
 2883 perform environmental health or sanitary evaluations in any
 2884 primary program area of environmental health without being

2885 certified by the department as competent to perform such
 2886 evaluations. This section does not apply to:

2887 (a) Persons performing inspections of public food service
 2888 establishments licensed under chapter 509; or

2889 (b) Persons performing site evaluations in order to
 2890 determine proper placement and installation of onsite wastewater
 2891 treatment and disposal systems who have successfully completed a
 2892 department-approved soils morphology course and who are working
 2893 under the direct responsible charge of an engineer licensed
 2894 under chapter 471.

2895 (3) ~~(4)~~ ENVIRONMENTAL HEALTH PROFESSIONALS ADVISORY BOARD.—
 2896 The State Health Officer shall appoint an advisory board to
 2897 assist the department in the promulgation of rules for
 2898 certification, testing, establishing standards, and seeking
 2899 enforcement actions against certified professionals.

2900 (a) The board shall be comprised of the Division Director
 2901 for Emergency Preparedness and Community Support ~~Environmental~~
 2902 ~~Health~~ or his or her designee, one individual who will be
 2903 certified under this section, one individual not employed in a
 2904 governmental capacity who will or does employ a certified
 2905 environmental health professional, one individual whose business
 2906 is or will be evaluated by a certified environmental health
 2907 professional, a citizen of the state who neither employs nor is
 2908 routinely evaluated by a person certified under this section.

2909 (b) The board shall advise the department as to the
 2910 minimum disciplinary guidelines and standards of competency and
 2911 proficiency necessary to obtain certification in a primary area
 2912 of environmental health practice.

2913 1. The board shall recommend primary areas of
 2914 environmental health practice in which environmental health
 2915 professionals should be required to obtain certification.

2916 2. The board shall recommend minimum standards of practice
 2917 which the department shall incorporate into rule.

2918 3. The board shall evaluate and recommend to the
 2919 department existing registrations and certifications which meet
 2920 or exceed minimum department standards and should, therefore,
 2921 exempt holders of such certificates or registrations from
 2922 compliance with this section.

2923 4. The board shall hear appeals of certificate denials,
 2924 revocation, or suspension and shall advise the department as to
 2925 the disposition of such an appeal.

2926 5. The board shall meet as often as necessary, but no less
 2927 than semiannually, handle appeals to the department, and conduct
 2928 other duties of the board.

2929 6. Members of the board shall receive no compensation but
 2930 are entitled to reimbursement for per diem and travel expenses
 2931 in accordance with s. 112.061.

2932 (4)~~(5)~~ STANDARDS FOR CERTIFICATION.—The department shall
 2933 adopt rules that establish definitions of terms and minimum
 2934 standards of education, training, or experience for those
 2935 persons subject to this section. The rules must also address the
 2936 process for application, examination, issuance, expiration, and
 2937 renewal of certification and ethical standards of practice for
 2938 the profession.

2939 (a) Persons employed as environmental health professionals
 2940 shall exhibit a knowledge of rules and principles of

CS/CS/HB 1263

2012

2941 environmental and public health law in Florida through
2942 examination. A person may not conduct environmental health
2943 evaluations in a primary program area unless he or she is
2944 currently certified in that program area or works under the
2945 direct supervision of a certified environmental health
2946 professional.

2947 1. All persons who begin employment in a primary
2948 environmental health program on or after September 21, 1994,
2949 must be certified in that program within 6 months after
2950 employment.

2951 2. Persons employed in the primary environmental health
2952 program of a food protection program or an onsite sewage
2953 treatment and disposal system prior to September 21, 1994, shall
2954 be considered certified while employed in that position and
2955 shall be required to adhere to any professional standards
2956 established by the department pursuant to paragraph (b),
2957 complete any continuing education requirements imposed under
2958 paragraph (d), and pay the certificate renewal fee imposed under
2959 subsection (6) ~~(7)~~.

2960 3. Persons employed in the primary environmental health
2961 program of a food protection program or an onsite sewage
2962 treatment and disposal system prior to September 21, 1994, who
2963 change positions or program areas and transfer into another
2964 primary environmental health program area on or after September
2965 21, 1994, must be certified in that program within 6 months
2966 after such transfer, except that they will not be required to
2967 possess the college degree required under paragraph (e).

2968 4. Registered sanitarians shall be considered certified

CS/CS/HB 1263

2012

2969 and shall be required to adhere to any professional standards
 2970 established by the department pursuant to paragraph (b).

2971 Section 40. Section 381.0203, Florida Statutes, is amended
 2972 to read:

2973 381.0203 Pharmacy services.—

2974 (1) The department may contract on a statewide basis for
 2975 the purchase of drugs, as defined in s. 499.003, to be used by
 2976 state agencies and political subdivisions, and may adopt rules
 2977 to administer this section.

2978 (2) The department shall establish and maintain a pharmacy
 2979 services program, including, but not limited to:

2980 (a) A central pharmacy to support pharmaceutical services
 2981 provided by the county health departments, including
 2982 pharmaceutical repackaging, dispensing, and the purchase and
 2983 distribution of immunizations and other pharmaceuticals.

2984 ~~(b) Regulation of drugs, cosmetics, and household products~~
 2985 ~~pursuant to chapter 499.~~

2986 (b)(e) Consultation to county health departments as
 2987 required by s. 154.04(1)(c).

2988 ~~(d) A contraception distribution program which shall be~~
 2989 ~~implemented, to the extent resources permit, through the~~
 2990 ~~licensed pharmacies of county health departments. A woman who is~~
 2991 ~~eligible for participation in the contraceptive distribution~~
 2992 ~~program is deemed a patient of the county health department.~~

2993 ~~1. To be eligible for participation in the program a woman~~
 2994 ~~must:~~

2995 ~~a. Be a client of the department or the Department of~~
 2996 ~~Children and Family Services.~~

2997 ~~b. Be of childbearing age with undesired fertility.~~
 2998 ~~e. Have an income between 150 and 200 percent of the~~
 2999 ~~federal poverty level.~~
 3000 ~~d. Have no Medicaid benefits or applicable health~~
 3001 ~~insurance benefits.~~
 3002 ~~e. Have had a medical examination by a licensed health~~
 3003 ~~care provider within the past 6 months.~~
 3004 ~~f. Have a valid prescription for contraceptives that are~~
 3005 ~~available through the contraceptive distribution program.~~
 3006 ~~g. Consent to the release of necessary medical information~~
 3007 ~~to the county health department.~~
 3008 ~~2. Fees charged for the contraceptives under the program~~
 3009 ~~must cover the cost of purchasing and providing contraceptives~~
 3010 ~~to women participating in the program.~~
 3011 ~~3. The department may adopt rules to administer this~~
 3012 ~~program.~~
 3013 Section 41. Subsection (1) of section 381.0261, Florida
 3014 Statutes, is amended to read:
 3015 381.0261 Summary of patient's bill of rights;
 3016 distribution; penalty.—
 3017 (1) The Department of Health shall publish on its Internet
 3018 website ~~Agency for Health Care Administration shall have printed~~
 3019 ~~and made continuously available to health care facilities~~
 3020 ~~licensed under chapter 395, physicians licensed under chapter~~
 3021 ~~458, osteopathic physicians licensed under chapter 459, and~~
 3022 ~~pediatric physicians licensed under chapter 461~~ a summary of the
 3023 Florida Patient's Bill of Rights and Responsibilities. In
 3024 adopting and making available to patients the summary of the

CS/CS/HB 1263

2012

3025 Florida Patient's Bill of Rights and Responsibilities, health
 3026 care providers and health care facilities are not limited to the
 3027 format in which the department publishes ~~Agency for Health Care~~
 3028 ~~Administration prints and distributes~~ the summary.

3029 Section 42. Section 381.0301, Florida Statutes, is
 3030 repealed.

3031 Section 43. Section 381.0302, Florida Statutes, is
 3032 repealed.

3033 Section 44. Subsection (5) of section 381.0303, Florida
 3034 Statutes, is amended to read:

3035 381.0303 Special needs shelters.—

3036 (5) SPECIAL NEEDS SHELTER INTERAGENCY COMMITTEE.—The State
 3037 Surgeon General may establish a special needs shelter
 3038 interagency committee and serve as, or appoint a designee to
 3039 serve as, the committee's chair. The department shall provide
 3040 any necessary staff and resources to support the committee in
 3041 the performance of its duties. The committee shall address and
 3042 resolve problems related to special needs shelters not addressed
 3043 in the state comprehensive emergency medical plan and shall
 3044 consult on the planning and operation of special needs shelters.

3045 (a) The committee shall:

3046 ~~1.~~ develop, negotiate, and regularly review any necessary
 3047 interagency agreements, and

3048 ~~2.~~ undertake other such activities as the department deems
 3049 necessary to facilitate the implementation of this section.

3050 ~~3. Submit recommendations to the Legislature as necessary.~~

3051 (b) The special needs shelter interagency committee shall
 3052 be composed of representatives of emergency management, health,

3053 | medical, and social services organizations. Membership shall
 3054 | include, but shall not be limited to, representatives of the
 3055 | Departments of Health, Children and Family Services, Elderly
 3056 | Affairs, and Education; the Agency for Health Care
 3057 | Administration; the Division of Emergency Management; the
 3058 | Florida Medical Association; the Florida Osteopathic Medical
 3059 | Association; Associated Home Health Industries of Florida, Inc.;
 3060 | the Florida Nurses Association; the Florida Health Care
 3061 | Association; the Florida Assisted Living Affiliation; the
 3062 | Florida Hospital Association; the Florida Statutory Teaching
 3063 | Hospital Council; the Florida Association of Homes for the
 3064 | Aging; the Florida Emergency Preparedness Association; the
 3065 | American Red Cross; Florida Hospices and Palliative Care, Inc.;
 3066 | the Association of Community Hospitals and Health Systems; the
 3067 | Florida Association of Health Maintenance Organizations; the
 3068 | Florida League of Health Systems; the Private Care Association;
 3069 | the Salvation Army; the Florida Association of Aging Services
 3070 | Providers; the AARP; and the Florida Renal Coalition.

3071 | (c) Meetings of the committee shall be held in
 3072 | Tallahassee, and members of the committee shall serve at the
 3073 | expense of the agencies or organizations they represent. The
 3074 | committee shall make every effort to use teleconference or
 3075 | videoconference capabilities in order to ensure statewide input
 3076 | and participation.

3077 | Section 45. Section 381.04015, Florida Statutes, is
 3078 | repealed.

3079 | Section 46. Subsections (2), (3), and (4) of section
 3080 | 381.0403, Florida Statutes, are amended to read:

CS/CS/HB 1263

2012

3081
3082
3083
3084
3085
3086
3087
3088
3089
3090
3091
3092
3093
3094
3095
3096
3097
3098
3099
3100
3101
3102
3103
3104
3105
3106
3107
3108

381.0403 The Community Hospital Education Act.—
 (2) ESTABLISHMENT OF PROGRAM ~~LEGISLATIVE INTENT.~~—
~~(a) It is the intent of the Legislature that health care~~
~~services for the citizens of this state be upgraded and that a~~
~~program for continuing these services be maintained through a~~
~~plan for community medical education. The A program is intended~~
~~established to plan for community medical education, provide~~
~~additional outpatient and inpatient services, increase the a~~
~~continuing supply of highly trained physicians, and expand~~
~~graduate medical education.~~
~~(b) The Legislature further acknowledges the critical need~~
~~for increased numbers of primary care physicians to provide the~~
~~necessary current and projected health and medical services. In~~
~~order to meet both present and anticipated needs, the~~
~~Legislature supports an expansion in the number of family~~
~~practice residency positions. The Legislature intends that the~~
~~funding for graduate education in family practice be maintained~~
~~and that funding for all primary care specialties be provided at~~
~~a minimum of \$10,000 per resident per year. Should funding for~~
~~this act remain constant or be reduced, it is intended that all~~
~~programs funded by this act be maintained or reduced~~
~~proportionately.~~
 (3) PROGRAM FOR COMMUNITY HOSPITAL EDUCATION; STATE AND
 LOCAL PLANNING.—
~~(a) There is established under the Department of Health a~~
~~program for statewide graduate medical education. It is intended~~
~~that continuing graduate medical education programs for interns~~
~~and residents be established on a statewide basis. The program~~

CS/CS/HB 1263

2012

3109 shall provide financial support for primary care specialty
3110 interns and residents based on recommendations of ~~policies~~
3111 ~~recommended and approved by~~ the Community Hospital Education
3112 Council, herein established, and the Department of Health, as
3113 authorized by the General Appropriations Act. Only those
3114 programs with at least three residents or interns in each year
3115 of the training program are qualified to apply for financial
3116 support. Programs with fewer than three residents or interns per
3117 training year are qualified to apply for financial support, but
3118 only if the appropriate accrediting entity for the particular
3119 specialty has approved the program for fewer positions. New
3120 ~~programs added after fiscal year 1997-1998~~ shall have 5 years to
3121 attain the requisite number of residents or interns. When
3122 feasible and to the extent allowed through the General
3123 Appropriations Act, state funds shall be used to generate
3124 federal matching funds under Medicaid, or other federal
3125 programs, and the resulting combined state and federal funds
3126 shall be allocated to participating hospitals for the support of
3127 graduate medical education.

3128 (b) For the purposes of this section, primary care
3129 specialties include emergency medicine, family practice,
3130 internal medicine, pediatrics, psychiatry,
3131 obstetrics/gynecology, and combined pediatrics and internal
3132 medicine, and other primary care specialties as may be included
3133 by the council and Department of Health.

3134 (c) Medical institutions throughout the state may apply to
3135 the Community Hospital Education Council for grants-in-aid for
3136 financial support of their approved programs. Recommendations

3137 | for funding of approved programs shall be forwarded to the
 3138 | Department of Health.

3139 | (d) The program shall provide a plan for community
 3140 | clinical teaching and training with the cooperation of the
 3141 | medical profession, hospitals, and clinics. The plan shall also
 3142 | include formal teaching opportunities for intern and resident
 3143 | training. In addition, the plan shall establish an off-campus
 3144 | medical faculty with university faculty review to be located
 3145 | throughout the state in local communities.

3146 | (4) PROGRAM FOR GRADUATE MEDICAL EDUCATION INNOVATIONS.—

3147 | (a) There is established under the Department of Health a
 3148 | program for fostering graduate medical education innovations.
 3149 | Funds appropriated annually by the Legislature for this purpose
 3150 | shall be distributed to participating hospitals or consortia of
 3151 | participating hospitals and Florida medical schools or to a
 3152 | Florida medical school for the direct costs of providing
 3153 | graduate medical education in community-based clinical settings
 3154 | on a competitive grant or formula basis to achieve state health
 3155 | care workforce policy objectives, including, but not limited to:

- 3156 | 1. Increasing the number of residents in primary care and
 3157 | other high demand specialties or fellowships;
- 3158 | 2. Enhancing retention of primary care physicians in
 3159 | Florida practice;
- 3160 | 3. Promoting practice in medically underserved areas of
 3161 | the state;
- 3162 | 4. Encouraging racial and ethnic diversity within the
 3163 | state's physician workforce; and
- 3164 | 5. Encouraging increased production of geriatricians.

3165 (b) Participating hospitals or consortia of participating
 3166 hospitals and Florida medical schools or a Florida medical
 3167 school providing graduate medical education in community-based
 3168 clinical settings may apply to the Community Hospital Education
 3169 Council for funding under this innovations program, except when
 3170 such innovations directly compete with services or programs
 3171 provided by participating hospitals or consortia of
 3172 participating hospitals, or by both hospitals and consortia.
 3173 Innovations program funding shall be allocated ~~provide funding~~
 3174 based on recommendations of ~~policies recommended and approved by~~
 3175 the Community Hospital Education Council and the Department of
 3176 Health, as authorized by the General Appropriations Act.

3177 (c) Participating hospitals or consortia of participating
 3178 hospitals and Florida medical schools or Florida medical schools
 3179 awarded an innovations grant shall provide the Community
 3180 Hospital Education Council and Department of Health with an
 3181 annual report on their project.

3182 Section 47. Subsection (7) of section 381.0405, Florida
 3183 Statutes, is amended to read:

3184 381.0405 Office of Rural Health.—

3185 ~~(7) APPROPRIATION. The Legislature shall appropriate such~~
 3186 ~~sums as are necessary to support the Office of Rural Health.~~

3187 Section 48. Subsection (3) of section 381.0406, Florida
 3188 Statutes, is amended to read:

3189 381.0406 Rural health networks.—

3190 (3) ~~Because each rural area is unique, with a different~~
 3191 ~~health care provider mix,~~ Health care provider membership may
 3192 vary, but all networks shall include members that provide public

CS/CS/HB 1263

2012

3193 health, comprehensive primary care, emergency medical care, and
 3194 acute inpatient care.

3195 Section 49. Effective October 1, 2014, section 381.0407,
 3196 Florida Statutes, is repealed.

3197 Section 50. Section 381.045, Florida Statutes, is
 3198 repealed.

3199 Section 51. Subsection (7) of section 381.06015, Florida
 3200 Statutes, is amended to read:

3201 381.06015 Public Cord Blood Tissue Bank.—

3202 ~~(7) In order to fund the provisions of this section the~~
 3203 ~~consortium participants, the Agency for Health Care~~
 3204 ~~Administration, and the Department of Health shall seek private~~
 3205 ~~or federal funds to initiate program actions for fiscal year~~
 3206 ~~2000-2001.~~

3207 Section 52. Section 381.0605, Florida Statutes, is
 3208 repealed.

3209 Section 53. Section 381.102, Florida Statutes, is
 3210 repealed.

3211 Section 54. Section 381.103, Florida Statutes, is
 3212 repealed.

3213 Section 55. Subsections (3) through (5) of section
 3214 381.4018, Florida Statutes, are renumbered as subsections (2)
 3215 through (4), respectively, and present subsection (2) and
 3216 paragraph (f) of present subsection (4) of that section are
 3217 amended to read:

3218 381.4018 Physician workforce assessment and development.—

3219 ~~(2) LEGISLATIVE INTENT. The Legislature recognizes that~~
 3220 ~~physician workforce planning is an essential component of~~

3221 ~~ensuring that there is an adequate and appropriate supply of~~
 3222 ~~well-trained physicians to meet this state's future health care~~
 3223 ~~service needs as the general population and elderly population~~
 3224 ~~of the state increase. The Legislature finds that items to~~
 3225 ~~consider relative to assessing the physician workforce may~~
 3226 ~~include physician practice status; specialty mix; geographic~~
 3227 ~~distribution; demographic information, including, but not~~
 3228 ~~limited to, age, gender, race, and cultural considerations; and~~
 3229 ~~needs of current or projected medically underserved areas in the~~
 3230 ~~state. Long-term strategic planning is essential as the period~~
 3231 ~~from the time a medical student enters medical school to~~
 3232 ~~completion of graduate medical education may range from 7 to 10~~
 3233 ~~years or longer. The Legislature recognizes that strategies to~~
 3234 ~~provide for a well-trained supply of physicians must include~~
 3235 ~~ensuring the availability and capacity of quality medical~~
 3236 ~~schools and graduate medical education programs in this state,~~
 3237 ~~as well as using new or existing state and federal programs~~
 3238 ~~providing incentives for physicians to practice in needed~~
 3239 ~~specialties and in underserved areas in a manner that addresses~~
 3240 ~~projected needs for physician manpower.~~

3241 (3) ~~(4)~~ GENERAL FUNCTIONS.—The department shall maximize
 3242 the use of existing programs under the jurisdiction of the
 3243 department and other state agencies and coordinate governmental
 3244 and nongovernmental stakeholders and resources in order to
 3245 develop a state strategic plan and assess the implementation of
 3246 such strategic plan. In developing the state strategic plan, the
 3247 department shall:

3248 (f) Develop strategies to maximize federal and state

3249 programs that provide for the use of incentives to attract
 3250 physicians to this state or retain physicians within the state.
 3251 Such strategies should explore and maximize federal-state
 3252 partnerships that provide incentives for physicians to practice
 3253 in federally designated shortage areas. Strategies shall also
 3254 consider the use of state programs, such as the ~~Florida Health~~
 3255 ~~Service Corps established pursuant to s. 381.0302 and the~~
 3256 Medical Education Reimbursement and Loan Repayment Program
 3257 pursuant to s. 1009.65, which provide for education loan
 3258 repayment or loan forgiveness and provide monetary incentives
 3259 for physicians to relocate to underserved areas of the state.

3260 Section 56. Section 381.60225, Florida Statutes, is
 3261 repealed.

3262 Section 57. Section 381.732, Florida Statutes, is
 3263 repealed.

3264 Section 58. Section 381.733, Florida Statutes, is
 3265 repealed.

3266 Section 59. Section 381.734, Florida Statutes, is
 3267 repealed.

3268 Section 60. Section 381.7352, Florida Statutes, is amended
 3269 to read:

3270 381.7352 Legislative findings and intent.—

3271 ~~(1) The Legislature finds that despite state investments~~
 3272 ~~in health care programs, certain racial and ethnic populations~~
 3273 ~~in Florida continue to have significantly poorer health outcomes~~
 3274 ~~when compared to non-Hispanic whites. The Legislature finds that~~
 3275 ~~local solutions to health care problems can have a dramatic and~~
 3276 ~~positive effect on the health status of these populations. Local~~

CS/CS/HB 1263

2012

3277 ~~governments and communities are best equipped to identify the~~
 3278 ~~health education, health promotion, and disease prevention needs~~
 3279 ~~of the racial and ethnic populations in their communities,~~
 3280 ~~mobilize the community to address health outcome disparities,~~
 3281 ~~enlist and organize local public and private resources, and~~
 3282 ~~faith-based organizations to address these disparities, and~~
 3283 ~~evaluate the effectiveness of interventions.~~

3284 ~~(2)~~ It is ~~therefore~~ the intent of the Legislature to
 3285 provide funds within Florida counties and Front Porch Florida
 3286 Communities, in the form of Reducing Racial and Ethnic Health
 3287 Disparities: Closing the Gap grants, to stimulate the
 3288 development of community-based and neighborhood-based projects
 3289 which will improve the health outcomes of racial and ethnic
 3290 populations. Further, it is the intent of the Legislature that
 3291 these programs foster the development of coordinated,
 3292 collaborative, and broad-based participation by public and
 3293 private entities, and faith-based organizations. Finally, it is
 3294 the intent of the Legislature that the grant program function as
 3295 a partnership between state and local governments, faith-based
 3296 organizations, and private sector health care providers,
 3297 including managed care, voluntary health care resources, social
 3298 service providers, and nontraditional partners.

3299 Section 61. Subsection (3) of section 381.7353, Florida
 3300 Statutes, is amended to read:

3301 381.7353 Reducing Racial and Ethnic Health Disparities:
 3302 Closing the Gap grant program; administration; department
 3303 duties.—

3304 ~~(3) Pursuant to s. 20.43(6), the State Surgeon General may~~

CS/CS/HB 1263

2012

3305 ~~appoint an ad hoc advisory committee to: examine areas where~~
 3306 ~~public awareness, public education, research, and coordination~~
 3307 ~~regarding racial and ethnic health outcome disparities are~~
 3308 ~~lacking; consider access and transportation issues which~~
 3309 ~~contribute to health status disparities; and make~~
 3310 ~~recommendations for closing gaps in health outcomes and~~
 3311 ~~increasing the public's awareness and understanding of health~~
 3312 ~~disparities that exist between racial and ethnic populations.~~

3313 Section 62. Subsections (5) and (6) of section 381.7356,
 3314 Florida Statutes, are renumbered as subsections (4) and (5),
 3315 respectively, and present subsection (4) of that section is
 3316 amended to read:

3317 381.7356 Local matching funds; grant awards.—

3318 ~~(4) Dissemination of grant awards shall begin no later~~
 3319 ~~than January 1, 2001.~~

3320 Section 63. Subsection (3) of section 381.765, Florida
 3321 Statutes, is amended to read:

3322 381.765 Retention of title to and disposal of equipment.—

3323 ~~(3) The department may adopt rules relating to records and~~
 3324 ~~recordkeeping for department-owned property referenced in~~
 3325 ~~subsections (1) and (2).~~

3326 Section 64. Section 381.77, Florida Statutes, is repealed.

3327 Section 65. Section 381.795, Florida Statutes, is
 3328 repealed.

3329 Section 66. Subsections (2) through (5) of section
 3330 381.853, Florida Statutes, are renumbered as subsections (1)
 3331 through (4), respectively, and present subsection (1) of that
 3332 section is amended to read:

3333 381.853 Florida Center for Brain Tumor Research.—
 3334 ~~(1) The Legislature finds that each year an estimated~~
 3335 ~~190,000 citizens of the United States are diagnosed with~~
 3336 ~~cancerous and noncancerous brain tumors and that biomedical~~
 3337 ~~research is the key to finding cures for these tumors. The~~
 3338 ~~Legislature further finds that, although brain tumor research is~~
 3339 ~~being conducted throughout the state, there is a lack of~~
 3340 ~~coordinated efforts among researchers and health care providers.~~
 3341 ~~Therefore, the Legislature finds that there is a significant~~
 3342 ~~need for a coordinated effort to achieve the goal of curing~~
 3343 ~~brain tumors. The Legislature further finds that the biomedical~~
 3344 ~~technology sector meets the criteria of a high-impact sector,~~
 3345 ~~pursuant to s. 288.108(6), having a high importance to the~~
 3346 ~~state's economy with a significant potential for growth and~~
 3347 ~~contribution to our universities and quality of life.~~

3348 Section 67. Section 381.855, Florida Statutes, is
 3349 repealed.

3350 Section 68. Section 381.87, Florida Statutes, is repealed.

3351 Section 69. Section 381.895, Florida Statutes, is
 3352 repealed.

3353 Section 70. Section 381.90, Florida Statutes, is repealed.

3354 Section 71. Subsection (1) of section 381.91, Florida
 3355 Statutes, is amended to read:

3356 381.91 Jessie Trice Cancer Prevention Program.—

3357 (1) It is the intent of the Legislature to+

3358 ~~(a) Reduce the rates of illness and death from lung cancer~~
 3359 ~~and other cancers and improve the quality of life among low-~~
 3360 ~~income African-American and Hispanic populations through~~

CS/CS/HB 1263

2012

3361 ~~increased access to early, effective screening and diagnosis,~~
 3362 ~~education, and treatment programs.~~

3363 ~~(b)~~ create a community faith-based disease-prevention
 3364 program in conjunction with the Health Choice Network and other
 3365 community health centers to build upon the natural referral and
 3366 education networks in place within minority communities and to
 3367 increase access to health service delivery in Florida and-

3368 ~~(c)~~ establish a funding source to build upon local private
 3369 participation to sustain the operation of the program.

3370 Section 72. Subsection (5) of section 381.922, Florida
 3371 Statutes, is amended to read:

3372 381.922 William G. "Bill" Bankhead, Jr., and David Coley
 3373 Cancer Research Program.—

3374 (5) The William G. "Bill" Bankhead, Jr., and David Coley
 3375 Cancer Research Program is funded pursuant to s. 215.5602(12).
 3376 Funds appropriated for the William G. "Bill" Bankhead, Jr., and
 3377 David Coley Cancer Research Program shall be distributed
 3378 pursuant to this section to provide grants to researchers
 3379 seeking cures for cancer and cancer-related illnesses, with
 3380 emphasis given to the goals enumerated in this section. From the
 3381 total funds appropriated, an amount of up to 10 percent may be
 3382 used for administrative expenses. ~~From funds appropriated to~~
 3383 ~~accomplish the goals of this section, up to \$250,000 shall be~~
 3384 ~~available for the operating costs of the Florida Center for~~
 3385 ~~Universal Research to Eradicate Disease.~~

3386 Section 73. Section 385.210, Florida Statutes, is
 3387 repealed.

CS/CS/HB 1263

2012

3388 Section 74. Section 391.016, Florida Statutes, is amended
 3389 to read:

3390 391.016 Purposes and functions ~~Legislative intent.~~—The
 3391 ~~Legislature intends that the~~ Children's Medical Services program
 3392 is established for the following purposes and authorized to
 3393 perform the following functions:

3394 (1) Provide to children with special health care needs a
 3395 family-centered, comprehensive, and coordinated statewide
 3396 managed system of care that links community-based health care
 3397 with multidisciplinary, regional, and tertiary pediatric
 3398 specialty care. The program shall coordinate and maintain a
 3399 consistent ~~may provide for the coordination and maintenance of~~
 3400 ~~consistency of the~~ medical home for participating children ~~in~~
 3401 ~~families with a Children's Medical Services program participant,~~
 3402 ~~in order to achieve family-centered care.~~

3403 (2) Provide essential preventive, evaluative, and early
 3404 intervention services for children at risk for or having special
 3405 health care needs, in order to prevent or reduce long-term
 3406 disabilities.

3407 (3) Establish and maintain a provider service network
 3408 ~~Serve as a principal provider~~ for children with special health
 3409 care needs under Titles XIX and XXI of the Social Security Act
 3410 and other eligible children.

3411 ~~(4) Be complementary to children's health training~~
 3412 ~~programs essential for the maintenance of a skilled pediatric~~
 3413 ~~health care workforce for all Floridians.~~

3414 Section 75. Section 391.021, Florida Statutes, is amended
 3415 to read:

3416 391.021 Definitions.—When used in this act, the term
 3417 ~~unless the context clearly indicates otherwise:~~

3418 (1) "Children's Medical Services network" or "network"
 3419 means a statewide provider service network ~~managed care service~~
 3420 ~~system that includes health care providers, as defined in this~~
 3421 ~~section.~~

3422 (2) "Children with special health care needs" means those
 3423 children younger than 21 years of age who have chronic and
 3424 serious physical, developmental, behavioral, or emotional
 3425 conditions and who ~~also~~ require health care and related services
 3426 of a type or amount beyond that which is generally required by
 3427 children.

3428 (3) "Department" means the Department of Health.

3429 (4) "Eligible individual" means a child with a special
 3430 health care need or a female with a high-risk pregnancy, who
 3431 meets the financial and medical eligibility standards
 3432 established in s. 391.029.

3433 (5) "Health care provider" means a health care
 3434 professional, health care facility, or entity licensed or
 3435 certified to provide health services in this state that meets
 3436 the criteria as established by the department.

3437 (6) "Health services" includes the prevention, diagnosis,
 3438 and treatment of human disease, pain, injury, deformity, or
 3439 disabling conditions.

3440 (7) "Participant" means an eligible individual who is
 3441 enrolled in the Children's Medical Services program.

3442 (8) "Program" means the Children's Medical Services
 3443 program established in the department.

CS/CS/HB 1263

2012

3444 Section 76. Section 391.025, Florida Statutes, is amended
 3445 to read:

3446 391.025 Applicability and scope.—

3447 (1) The Children's Medical Services program consists of
 3448 the following components:

3449 (a) The newborn screening program established in s.
 3450 383.14.

3451 (b) The regional perinatal intensive care centers program
 3452 established in ss. 383.15-383.21.

3453 ~~(c) A federal or state program authorized by the~~
 3454 ~~Legislature.~~

3455 (c) ~~(d)~~ The developmental evaluation and intervention
 3456 program, including the Florida Infants and Toddlers Early
 3457 Intervention Program.

3458 (d) ~~(e)~~ The Children's Medical Services network.

3459 (2) The Children's Medical Services program shall not be
 3460 deemed an insurer and is not subject to the licensing
 3461 requirements of the Florida Insurance Code or the rules adopted
 3462 thereunder, ~~when providing services to children who receive~~
 3463 ~~Medicaid benefits, other Medicaid-eligible children with special~~
 3464 ~~health care needs, and children participating in the Florida~~
 3465 ~~Kidcare program.~~

3466 Section 77. Section 391.026, Florida Statutes, is amended
 3467 to read:

3468 391.026 Powers and duties of the department.—The
 3469 department shall have the following powers, duties, and
 3470 responsibilities:

3471 (1) To provide or contract for the provision of health

3472 services to eligible individuals.

3473 (2) ~~To determine the medical and financial eligibility~~
 3474 ~~standards for the program and to~~ determine the medical and
 3475 financial eligibility of individuals seeking health services
 3476 from the program.

3477 ~~(3) To recommend priorities for the implementation of~~
 3478 ~~comprehensive plans and budgets.~~

3479 (3)~~(4)~~ To coordinate a comprehensive delivery system for
 3480 eligible individuals to take maximum advantage of all available
 3481 funds.

3482 (4)~~(5)~~ To ~~promote, establish, and~~ coordinate with programs
 3483 relating to children's medical services in cooperation with
 3484 other public and private agencies ~~and to coordinate funding of~~
 3485 ~~health care programs with federal, state, or local indigent~~
 3486 ~~health care funding mechanisms.~~

3487 (5)~~(6)~~ To initiate and, ~~coordinate, and request review of~~
 3488 applications to federal agencies and private organizations ~~and~~
 3489 ~~state agencies~~ for funds, services, or commodities relating to
 3490 children's medical programs.

3491 (6)~~(7)~~ To sponsor or promote grants for projects,
 3492 programs, education, or research in the field of ~~medical needs~~
 3493 ~~of~~ children with special health needs, with an emphasis on early
 3494 diagnosis and treatment.

3495 (7)~~(8)~~ To ~~oversee and~~ operate, or oversee operation by a
 3496 contracted network manager, the Children's Medical Services
 3497 network.

3498 (8)~~(9)~~ To establish financial management procedures, or
 3499 oversee the financial management procedures of a contracted

CS/CS/HB 1263

2012

3500 network manager, ~~reimbursement mechanisms~~ for the Children's
 3501 Medical Services network.

3502 (9)~~(10)~~ To establish Children's Medical Services network
 3503 standards and credentialing requirements for health care
 3504 providers and health care services.

3505 (10)~~(11)~~ To serve as a provider and principal case manager
 3506 for children with special health care needs under Titles XIX and
 3507 XXI of the Social Security Act.

3508 (11)~~(12)~~ To monitor the provision of health services in
 3509 the program, including the utilization and quality of health
 3510 services.

3511 (12)~~(13)~~ To administer the Children with Special Health
 3512 Care Needs program in accordance with Title V of the Social
 3513 Security Act.

3514 (13)~~(14)~~ To establish and operate a grievance resolution
 3515 process for participants and health care providers.

3516 (14)~~(15)~~ To maintain program integrity in the Children's
 3517 Medical Services program.

3518 (15)~~(16)~~ To receive and manage health care premiums,
 3519 capitation payments, and funds from federal, state, local, and
 3520 private entities for the program. The department may contract
 3521 with a third-party administrator for processing claims,
 3522 monitoring medical expenses, and other related services
 3523 necessary to the efficient and cost-effective operation of the
 3524 Children's Medical Services network. The department is
 3525 authorized to maintain a minimum reserve for the Children's
 3526 Medical Services network in an amount that is the greater of:

3527 (a) Ten percent of total projected expenditures for Title

3528 XIX-funded and Title XXI-funded children; or

3529 (b) Two percent of total annualized payments from the
 3530 Agency for Health Care Administration for Title XIX and Title
 3531 XXI of the Social Security Act.

3532 ~~(16)-(17)~~ To provide or contract for ~~appoint health care~~
 3533 ~~consultants for the purpose of providing peer review and other~~
 3534 quality-improvement activities ~~making recommendations to enhance~~
 3535 ~~the delivery and quality of services in the Children's Medical~~
 3536 ~~Services program.~~

3537 ~~(17)-(18)~~ To adopt rules pursuant to ss. 120.536(1) and
 3538 120.54 to administer the Children's Medical Services Act. ~~The~~
 3539 ~~rules may include requirements for definitions of terms, program~~
 3540 ~~organization, and program description; a process for selecting~~
 3541 ~~an area medical director; responsibilities of applicants and~~
 3542 ~~clients; requirements for service applications, including~~
 3543 ~~required medical and financial information; eligibility~~
 3544 ~~requirements for initial treatment and for continued~~
 3545 ~~eligibility, including financial and custody issues;~~
 3546 ~~methodologies for resource development and allocation, including~~
 3547 ~~medical and financial considerations; requirements for~~
 3548 ~~reimbursement services rendered to a client; billing and payment~~
 3549 ~~requirements for providers; requirements for qualification,~~
 3550 ~~appointments, verification, and emergency exceptions for health-~~
 3551 ~~professional consultants; general and diagnostic-specific~~
 3552 ~~standards for diagnostic and treatment facilities; and standards~~
 3553 ~~for the method of service delivery, including consultant~~
 3554 ~~services, respect for privacy considerations, examination~~
 3555 ~~requirements, family support plans, and clinic design.~~

3556 Section 78. Section 391.028, Florida Statutes, is amended
 3557 to read:

3558 391.028 Administration.—~~The Children's Medical Services~~
 3559 ~~program shall have a central office and area offices.~~

3560 (1) The Director of Children's Medical Services must be a
 3561 physician licensed under chapter 458 or chapter 459 who has
 3562 specialized training and experience in the provision of health
 3563 care to children and who has recognized skills in leadership and
 3564 the promotion of children's health programs. The director shall
 3565 be the deputy secretary and the Deputy State Health Officer for
 3566 Children's Medical Services and is appointed by and reports to
 3567 the State Surgeon General. The director may appoint such other
 3568 staff as necessary for the operation of the program ~~division~~
 3569 ~~directors~~ subject to the approval of the State Surgeon General.

3570 (2) The director shall provide for a decentralized
 3571 operational system using such department staff and contract
 3572 providers as necessary. The program shall implement the
 3573 following program activities under physician supervision on a
 3574 statewide basis ~~designate Children's Medical Services area~~
 3575 ~~offices to perform operational activities, including, but not~~
 3576 ~~limited to:~~

3577 (a) ~~Providing~~ Case management services for ~~the~~ network
 3578 participants;-

3579 (b) Management and ~~Providing local~~ oversight of local ~~the~~
 3580 program activities;-

3581 (c) ~~Determining an individual's~~ Medical and financial
 3582 eligibility determination for the program in accordance with s.
 3583 391.029;-

3584 (d) ~~Participating in the~~ Determination of a level of care
 3585 and medical complexity for long-term care services;~~;~~

3586 (e) Authorizing services in the program and developing
 3587 spending plans;~~;~~

3588 (f) ~~Participating in the~~ Development of treatment plans;
 3589 ~~and;~~

3590 (g) ~~Taking part in the~~ Resolution of complaints and
 3591 grievances from participants and health care providers.

3592 (3) Before contracting for statewide operation of program
 3593 activities, the director must document, with the concurrence of
 3594 the State Surgeon General and the Governor, that the following
 3595 criteria have been met:

3596 (a) Qualified contractors are available and interested in
 3597 operating the program;

3598 (b) Contracting for operation of the program will result
 3599 in a measureable increase in the following areas:

3600 1. The number of children with special health needs served
 3601 by the program;

3602 2. The number and type of services provided to children
 3603 with special health needs; and

3604 3. The number of participating providers, especially
 3605 pediatricians with expertise in serving children with special
 3606 health needs.

3607 (c) Quality of care for children with special health needs
 3608 will be maintained or enhanced.

3609 (4) Any contract for statewide operation of the Children's
 3610 Medical Services program shall be competitively procured.

3611 (5) Qualified contractors are provider service networks

CS/CS/HB 1263

2012

3612 pursuant to s. 409.962(12) that meet the following criteria:

3613 (a) Signed, written agreements with all Florida medical
 3614 schools, statutory teaching hospitals pursuant to s. 408.07(45),
 3615 specialty children's hospitals pursuant to s. 395.002(28), and
 3616 regional perinatal intensive care centers pursuant to s.
 3617 383.16(2);

3618 (b) An adequate number of primary and specialty
 3619 pediatricians participate in the network;

3620 (c) An adequate number of other health professionals to
 3621 meet the medical and psychosocial needs of the participating
 3622 children and families;

3623 (d) Experience in serving similar populations;

3624 (e) Experience in operating a capitated provider service
 3625 network; and

3626 (f) Experience in quality improvement, especially in areas
 3627 related to serving children with special health needs. Each

3628 ~~Children's Medical Services area office shall be directed by a~~
 3629 ~~physician licensed under chapter 458 or chapter 459 who has~~
 3630 ~~specialized training and experience in the provision of health~~
 3631 ~~care to children. The director of a Children's Medical Services~~
 3632 ~~area office shall be appointed by the director from the active~~
 3633 ~~panel of Children's Medical Services physician consultants.~~

3634 Section 79. Section 391.029, Florida Statutes, is amended
 3635 to read:

3636 391.029 Program eligibility.—

3637 (1) Eligibility ~~The department shall establish the medical~~
 3638 ~~criteria to determine if an applicant for the Children's Medical~~
 3639 ~~Services program is~~ based on the diagnosis of one or more

CS/CS/HB 1263

2012

3640 chronic and serious medical conditions and the family's need for
 3641 specialized services that are not available or accessible by the
 3642 family from any other source ~~an eligible individual.~~

3643 (2) The following individuals are ~~financially~~ eligible to
 3644 receive services through the program:

3645 (a) A high-risk pregnant female who is enrolled in
 3646 ~~eligible for~~ Medicaid.

3647 (b) Children with serious special health care needs from
 3648 birth to 21 years of age who are enrolled in ~~eligible for~~
 3649 Medicaid.

3650 (c) Children with serious special health care needs from
 3651 birth to 19 years of age who are enrolled in ~~eligible for~~ a
 3652 program under Title XXI of the Social Security Act.

3653 (3) Subject to the availability of funds, the following
 3654 individuals may receive services through the program:

3655 (a) Children with serious special health care needs from
 3656 birth to 21 years of age who do not qualify for Medicaid or
 3657 ~~whose family income is above the requirements for financial~~
 3658 ~~eligibility under~~ Title XXI of the Social Security Act but who
 3659 are unable to access, due to lack of providers or lack of
 3660 financial resources, specialized services that are medically
 3661 necessary or essential family support services ~~and whose~~
 3662 ~~projected annual cost of care adjusts the family income to~~
 3663 ~~Medicaid financial criteria. Families In cases where the family~~
 3664 ~~income is adjusted based on a projected annual cost of care, the~~
 3665 ~~family~~ shall participate financially in the cost of care based
 3666 on a sliding fee scale ~~criteria~~ established by the department.

3667 (b) Children with special health care needs from birth to

CS/CS/HB 1263

2012

3668 21 years of age, as provided in Title V of the Social Security
3669 Act.

3670 (c) An infant who receives an award of compensation under
3671 s. 766.31(1). The Florida Birth-Related Neurological Injury
3672 Compensation Association shall reimburse the Children's Medical
3673 Services Network the state's share of funding, which must
3674 thereafter be used to obtain matching federal funds under Title
3675 XXI of the Social Security Act.

3676 ~~(4) The department shall determine the financial and~~
3677 ~~medical eligibility of children for the program. The department~~
3678 ~~shall also determine the financial ability of the parents, or~~
3679 ~~persons or other agencies having legal custody over such~~
3680 ~~individuals, to pay the costs of health services under the~~
3681 ~~program. The department may pay reasonable travel expenses~~
3682 ~~related to the determination of eligibility for or the provision~~
3683 ~~of health services.~~

3684 (4) ~~(5)~~ Any child who has been provided with surgical or
3685 medical care or treatment under this act prior to being adopted
3686 and has serious and chronic special health needs shall continue
3687 to be eligible to be provided with such care or treatment after
3688 his or her adoption, regardless of the financial ability of the
3689 persons adopting the child.

3690 Section 80. Section 391.0315, Florida Statutes, is amended
3691 to read:

3692 391.0315 Benefits.—Benefits provided under the program for
3693 children with special health care needs shall be equivalent to
3694 ~~the same~~ benefits provided to children as specified in ss.
3695 409.905 and 409.906. The department may offer additional

3696 benefits for early intervention services, respite services,
 3697 genetic testing, genetic and nutritional counseling, and parent
 3698 support services, if such services are determined to be
 3699 medically necessary. ~~No child or person determined eligible for~~
 3700 ~~the program who is eligible under Title XIX or Title XXI of the~~
 3701 ~~Social Security Act shall receive any service other than an~~
 3702 ~~initial health care screening or treatment of an emergency~~
 3703 ~~medical condition as defined in s. 395.002, until such child or~~
 3704 ~~person is enrolled in Medicaid or a Title XXI program.~~

3705 Section 81. Effective January 1, 2013, section 392.51,
 3706 Florida Statutes, is amended to read:

3707 392.51 Tuberculosis control Findings and intent.—A
 3708 statewide system is established to control tuberculosis
 3709 infection and mitigate its effects. The system consists ~~The~~
 3710 ~~Legislature finds and declares that active tuberculosis is a~~
 3711 ~~highly contagious infection that is sometimes fatal and~~
 3712 ~~constitutes a serious threat to the public health. The~~
 3713 ~~Legislature finds that there is a significant reservoir of~~
 3714 ~~tuberculosis infection in this state and that there is a need to~~
 3715 ~~develop community programs to identify tuberculosis and to~~
 3716 ~~respond quickly with appropriate measures. The Legislature finds~~
 3717 ~~that some patients who have active tuberculosis have complex~~
 3718 ~~medical, social, and economic problems that make outpatient~~
 3719 ~~control of the disease difficult, if not impossible, without~~
 3720 ~~posing a threat to the public health. The Legislature finds that~~
 3721 ~~in order to protect the citizenry from those few persons who~~
 3722 ~~pose a threat to the public, it is necessary to establish a~~
 3723 ~~system~~ of mandatory contact identification, treatment to cure,

CS/CS/HB 1263

2012

3724 hospitalization, ~~and~~ isolation for contagious cases, ~~and to~~
3725 ~~provide a system of~~ voluntary, community-oriented care and
3726 surveillance in all other cases. ~~The Legislature finds that the~~
3727 ~~delivery of~~ Tuberculosis control services shall be provided ~~is~~
3728 ~~best accomplished~~ by the coordinated efforts of the respective
3729 county health departments and contracted or other private health
3730 care providers, ~~the A.G. Holley State Hospital, and the private~~
3731 ~~health care delivery system.~~

3732 Section 82. Effective January 1, 2013, subsection (4) of
3733 section 392.61, Florida Statutes, is amended to read:

3734 392.61 Community tuberculosis control programs.—

3735 ~~(4) The department shall develop, by rule, a methodology~~
3736 ~~for distributing funds appropriated for tuberculosis control~~
3737 ~~programs. Criteria to be considered in this methodology include,~~
3738 ~~but are not limited to, the basic infrastructure available for~~
3739 ~~tuberculosis control, caseload requirements, laboratory support~~
3740 ~~services needed, and epidemiologic factors.~~

3741 Section 83. Effective January 1, 2013, section 392.62,
3742 Florida Statutes, is amended to read:

3743 392.62 Hospitalization and placement programs.—

3744 (1) The department shall contract for operation of ~~operate~~
3745 a program for the treatment ~~hospitalization~~ of persons who have
3746 active tuberculosis in hospitals licensed under chapter 395 and
3747 may provide for appropriate placement of persons who have active
3748 tuberculosis in other health care facilities or residential
3749 facilities. The department shall require the contractor to use
3750 existing licensed community hospitals and other facilities for
3751 the care and treatment to cure of persons who have active

3752 tuberculosis or a history of noncompliance with prescribed drug
 3753 regimens and require inpatient or other residential services.

3754 ~~(2) The department may operate a licensed hospital for the~~
 3755 ~~care and treatment to cure of persons who have active~~
 3756 ~~tuberculosis. The hospital may have a forensic unit where, under~~
 3757 ~~medical protocol, a patient can be held in a secure or~~
 3758 ~~protective setting. The department shall also seek to maximize~~
 3759 ~~use of existing licensed community hospitals for the care and~~
 3760 ~~treatment to cure of persons who have active tuberculosis.~~

3761 (2)(3) The program for control of tuberculosis shall
 3762 provide funding for participating facilities and require any
 3763 such facilities to meet the following conditions Any licensed
 3764 ~~hospital operated by the department, any licensed hospital under~~
 3765 ~~contract with the department, and any other health care facility~~
 3766 ~~or residential facility operated by or under contract with the~~
 3767 ~~department for the care and treatment of patients who have~~
 3768 ~~active tuberculosis shall:~~

3769 (a) Admit patients voluntarily and under court order as
 3770 appropriate for each particular facility;

3771 (b) Require that each patient pay the actual cost of care
 3772 provided whether the patient is admitted voluntarily or by court
 3773 order;

3774 (c) Provide for ~~a method of paying for~~ the care of
 3775 patients in the program regardless of ability to pay ~~who cannot~~
 3776 ~~afford to do so;~~

3777 (d) Require a primary clinical diagnosis of active
 3778 tuberculosis by a physician licensed under chapter 458 or
 3779 chapter 459 before admitting the patient; provided that there

CS/CS/HB 1263

2012

3780 may be more than one primary diagnosis;

3781 (e) Provide a method of notification to the county health
 3782 department and to the patient's family, if any, before
 3783 discharging the patient from the hospital or other facility;

3784 (f) Provide for the necessary exchange of medical
 3785 information to assure adequate community treatment to cure and
 3786 followup of discharged patients, as appropriate; and

3787 (g) Provide for a method of medical care and counseling
 3788 and for housing, social service, and employment referrals, if
 3789 appropriate, for ~~all~~ patients discharged from the hospital.

3790 (3)~~(4)~~ A hospital may, pursuant to court order, place a
 3791 patient in temporary isolation for a period of no more than 72
 3792 continuous hours. The department shall obtain a court order in
 3793 the same manner as prescribed in s. 392.57. Nothing in this
 3794 subsection precludes a hospital from isolating an infectious
 3795 patient for medical reasons.

3796 (4)~~(5)~~ Any person committed under s. 392.57 who leaves the
 3797 tuberculosis hospital or residential facility without having
 3798 been discharged by the designated medical authority, except as
 3799 provided in s. 392.63, shall be apprehended by the sheriff of
 3800 the county in which the person is found and immediately
 3801 delivered to the facility from which he or she left.

3802 Section 84. The Department of Health shall develop and
 3803 implement a transition plan for the closure of A.G. Holley State
 3804 Hospital. The plan shall include specific steps to end voluntary
 3805 admissions; transfer patients to alternate facilities;
 3806 communicate with families, providers, other affected parties,
 3807 and the general public; enter into any necessary contracts with

CS/CS/HB 1263

2012

3808 providers; and coordinate with the Department of Management
3809 Services regarding the disposition of equipment and supplies and
3810 the closure of the facility. The plan shall be submitted to the
3811 Governor, the Speaker of the House of Representatives, and the
3812 President of the Senate by May 31, 2012. The department shall
3813 fully implement the plan by January 1, 2013.

3814 Section 85. Subsection (4) of section 401.243, Florida
3815 Statutes, is amended to read:

3816 401.243 Injury prevention.—The department shall establish
3817 an injury-prevention program with responsibility for the
3818 statewide coordination and expansion of injury-prevention
3819 activities. The duties of the department under the program may
3820 include, but are not limited to, data collection, surveillance,
3821 education, and the promotion of interventions. In addition, the
3822 department may:

3823 ~~(4) Adopt rules governing the implementation of grant~~
3824 ~~programs. The rules may include, but need not be limited to,~~
3825 ~~criteria regarding the application process, the selection of~~
3826 ~~grantees, the implementation of injury prevention activities,~~
3827 ~~data collection, surveillance, education, and the promotion of~~
3828 ~~interventions.~~

3829 Section 86. Subsection (6) of section 401.245, Florida
3830 Statutes, is renumbered as subsection (5), and present
3831 subsection (5) of that section is amended to read:

3832 401.245 Emergency Medical Services Advisory Council.—
3833 ~~(5) The department shall adopt rules to implement this~~
3834 ~~section, which rules shall serve as formal operating procedures~~
3835 ~~for the Emergency Medical Services Advisory Council.~~

CS/CS/HB 1263

2012

3836 Section 87. Section 401.271, Florida Statutes, is amended
 3837 to read:

3838 401.271 Certification of emergency medical technicians and
 3839 paramedics who are on active duty with the Armed Forces of the
 3840 United States; spouses of members of the Armed Forces.—

3841 ~~(1)~~ Any member of the Armed Forces of the United States on
 3842 active duty who, at the time he or she became a member, was in
 3843 good standing with the department and was entitled to practice
 3844 as an emergency medical technician or paramedic in the state
 3845 remains in good standing without registering, paying dues or
 3846 fees, or performing any other act, as long as he or she is a
 3847 member of the Armed Forces of the United States on active duty
 3848 and for a period of 6 months after his or her discharge from
 3849 active duty as a member of the Armed Forces of the United
 3850 States.

3851 ~~(2) The department may adopt rules exempting the spouse of~~
 3852 ~~a member of the Armed Forces of the United States on active duty~~
 3853 ~~from certification renewal provisions while the spouse is absent~~
 3854 ~~from the state because of the member's active duty with the~~
 3855 ~~Armed Forces.~~

3856 Section 88. Subsection (9) of section 402.45, Florida
 3857 Statutes, is amended to read:

3858 402.45 Community resource mother or father program.—

3859 ~~(9) The department may adopt rules necessary to implement~~
 3860 ~~this section.~~

3861 Section 89. Subsections (3) and (4) of section 403.863,
 3862 Florida Statutes, are amended to read:

3863 403.863 State public water supply laboratory certification

3864 program.—

3865 (3) The Department of Health shall have the responsibility
 3866 for the operation and implementation of the state laboratory
 3867 certification program. The Department of Health shall contract
 3868 with the American Environmental Laboratory Association to
 3869 perform the evaluation and review of laboratory certification
 3870 applications, and laboratory inspections., ~~except that,~~ Upon
 3871 completion of the evaluation and review of the laboratory
 3872 certification application, the evaluation shall be forwarded,
 3873 along with recommendations, to the department for review and
 3874 comment, prior to final approval or disapproval by the
 3875 Department of Health.

3876 (4) The following acts constitute grounds for which the
 3877 disciplinary actions specified in subsection (5) may be taken:

3878 (a) Making false statements on an application or on any
 3879 document associated with certification.

3880 (b) Making consistent errors in analyses or erroneous
 3881 reporting.

3882 (c) Permitting personnel who are not qualified, as
 3883 required by rules of the Department of Health, to perform
 3884 analyses.

3885 (d) Falsifying the results of analyses.

3886 (e) Failing to employ approved laboratory methods in
 3887 performing analyses as outlined in rules of the Department of
 3888 Health.

3889 (f) Failing to properly maintain facilities and equipment
 3890 according to the laboratory's quality assurance plan.

3891 (g) Failing to report analytical test results or maintain

3892 required records of test results as outlined in rules of the
 3893 Department of Health.

3894 (h) Failing to participate successfully in a performance
 3895 evaluation program approved by the Department of Health.

3896 (i) Violating any provision of this section or of the
 3897 rules adopted under this section.

3898 (j) Falsely advertising services or credentials.

3899 (k) Failing to pay fees for initial certification or
 3900 renewal certification or to pay inspection expenses incurred by
 3901 the American Environmental Laboratory Association ~~Department of~~
 3902 ~~Health~~.

3903 (l) Failing to report any change of an item included in
 3904 the initial or renewal certification application.

3905 (m) Refusing to allow representatives of the department,
 3906 ~~or~~ the Department of Health, or the American Environmental
 3907 Laboratory Association to inspect a laboratory and its records
 3908 during normal business hours.

3909 Section 90. Subsection (1) of section 400.914, Florida
 3910 Statutes, is amended to read:

3911 400.914 Rules establishing standards.—

3912 (1) Pursuant to the intention of the Legislature to
 3913 provide safe and sanitary facilities and healthful programs, the
 3914 agency in conjunction with the Division of Children's Medical
 3915 Services ~~Prevention and Intervention~~ of the Department of Health
 3916 shall adopt and publish rules to implement the provisions of
 3917 this part and part II of chapter 408, which shall include
 3918 reasonable and fair standards. Any conflict between these
 3919 standards and those that may be set forth in local, county, or

3920 city ordinances shall be resolved in favor of those having
 3921 statewide effect. Such standards shall relate to:

3922 (a) The assurance that PPEC services are family centered
 3923 and provide individualized medical, developmental, and family
 3924 training services.

3925 (b) The maintenance of PPEC centers, not in conflict with
 3926 the provisions of chapter 553 and based upon the size of the
 3927 structure and number of children, relating to plumbing, heating,
 3928 lighting, ventilation, and other building conditions, including
 3929 adequate space, which will ensure the health, safety, comfort,
 3930 and protection from fire of the children served.

3931 (c) The appropriate provisions of the most recent edition
 3932 of the "Life Safety Code" (NFPA-101) shall be applied.

3933 (d) The number and qualifications of all personnel who
 3934 have responsibility for the care of the children served.

3935 (e) All sanitary conditions within the PPEC center and its
 3936 surroundings, including water supply, sewage disposal, food
 3937 handling, and general hygiene, and maintenance thereof, which
 3938 will ensure the health and comfort of children served.

3939 (f) Programs and basic services promoting and maintaining
 3940 the health and development of the children served and meeting
 3941 the training needs of the children's legal guardians.

3942 (g) Supportive, contracted, other operational, and
 3943 transportation services.

3944 (h) Maintenance of appropriate medical records, data, and
 3945 information relative to the children and programs. Such records
 3946 shall be maintained in the facility for inspection by the
 3947 agency.

CS/CS/HB 1263

2012

3948 Section 91. Paragraph (d) of subsection (11) of section
 3949 409.256, Florida Statutes, is amended to read:

3950 409.256 Administrative proceeding to establish paternity
 3951 or paternity and child support; order to appear for genetic
 3952 testing.—

3953 (11) FINAL ORDER ESTABLISHING PATERNITY OR PATERNITY AND
 3954 CHILD SUPPORT; CONSENT ORDER; NOTICE TO OFFICE OF VITAL
 3955 STATISTICS.—

3956 (d) Upon rendering a final order of paternity or a final
 3957 order of paternity and child support, the department shall
 3958 notify the Office ~~Division~~ of Vital Statistics of the Department
 3959 of Health that the paternity of the child has been established.

3960 Section 92. Section 458.346, Florida Statutes, is
 3961 repealed.

3962 Section 93. Subsection (3) of section 462.19, Florida
 3963 Statutes, is renumbered as subsection (2), and present
 3964 subsection (2) of that section is amended to read:

3965 462.19 Renewal of license; inactive status.—

3966 ~~(2) The department shall adopt rules establishing a~~
 3967 ~~procedure for the biennial renewal of licenses.~~

3968 Section 94. Section 464.0197, Florida Statutes, is
 3969 repealed.

3970 Section 95. Subsection (4) of section 464.208, Florida
 3971 Statutes, is amended to read:

3972 464.208 Background screening information; rulemaking
 3973 authority.—

3974 ~~(4) The board shall adopt rules to administer this part.~~

3975 Section 96. Section 466.00775, Florida Statutes, is
 3976 repealed.

3977 Section 97. Subsection (4) of section 514.011, Florida
 3978 Statutes, is amended to read:

3979 514.011 Definitions.—As used in this chapter:

3980 (4) "Public bathing place" means a body of water, natural
 3981 or modified by humans, for swimming, diving, and recreational
 3982 bathing, ~~together with adjacent shoreline or land area,~~
 3983 ~~buildings, equipment, and appurtenances pertaining thereto,~~ used
 3984 by consent of the owner or owners and held out to the public by
 3985 any person or public body, irrespective of whether a fee is
 3986 charged for the use thereof. The bathing water areas of public
 3987 bathing places include, but are not limited to, lakes, ponds,
 3988 rivers, streams, artificial impoundments, and waters along the
 3989 coastal and intracoastal beaches and shores of the state.

3990 Section 98. Section 514.021, Florida Statutes, is amended
 3991 to read:

3992 514.021 Department authorization.—

3993 (1) The department may adopt and enforce rules, ~~which may~~
 3994 ~~include definitions of terms,~~ to protect the health, safety, or
 3995 welfare of persons by setting water quality and safety standards
 3996 for using public swimming pools and public bathing places. The
 3997 department shall review and revise such rules as necessary, but
 3998 not less than biennially. Sanitation and safety standards shall
 3999 ~~include, but not be limited to,~~ matters relating to ~~structure;~~
 4000 ~~appurtenances; operation;~~ source of water supply;
 4001 bacteriological, chemical, and physical quality of water in the
 4002 pool or bathing area; method of water purification, treatment,

CS/CS/HB 1263

2012

4003 and disinfection; lifesaving apparatus; and measures to ensure
 4004 safety of bathers; ~~and measures to ensure the personal~~
 4005 ~~cleanliness of bathers.~~

4006 (2) The department may not establish by rule any
 4007 regulation governing the design, alteration, modification, or
 4008 repair of public swimming pools and bathing places which has no
 4009 impact on water quality and safety ~~the health, safety, and~~
 4010 ~~welfare~~ of persons using public swimming pools and bathing
 4011 places. Further, the department may not adopt by rule any
 4012 regulation governing the construction, erection, or demolition
 4013 of public swimming pools and bathing places. It is the intent of
 4014 the Legislature to preempt those functions to the Florida
 4015 Building Commission through adoption and maintenance of the
 4016 Florida Building Code. The department shall provide technical
 4017 assistance to the commission in updating the construction
 4018 standards of the Florida Building Code which govern public
 4019 swimming pools and bathing places. ~~Further, the department is~~
 4020 ~~authorized to conduct plan reviews, to issue approvals, and to~~
 4021 ~~enforce the special occupancy provisions of the Florida Building~~
 4022 ~~Code which apply to public swimming pools and bathing places in~~
 4023 ~~conducting any inspections authorized by this chapter.~~ This
 4024 subsection does not abrogate the authority of the department to
 4025 adopt and enforce appropriate sanitary regulations and
 4026 requirements as authorized in subsection (1).

4027 Section 99. Section 514.023, Florida Statutes, is amended
 4028 to read:

4029 514.023 Sampling of beach waters and public bathing
 4030 places; health advisories.—

4031 (1) As used in this section, the term "beach waters" means
 4032 the waters along the coastal and intracoastal beaches and shores
 4033 of the state, and includes salt water and brackish water.

4034 (2) The department may adopt and enforce rules to protect
 4035 the health, safety, and welfare of persons using the beach
 4036 waters and public bathing places of the state. The rules must
 4037 establish health standards and prescribe procedures and
 4038 timeframes for bacteriological sampling of beach waters and
 4039 public bathing places.

4040 (3) The department may issue health advisories if the
 4041 quality of beach waters or a public bathing place fails to meet
 4042 standards established by the department. The issuance of health
 4043 advisories related to the results of bacteriological sampling of
 4044 beach waters is preempted to the state.

4045 (4) When the department issues a health advisory against
 4046 swimming in beach waters or a public bathing place on the basis
 4047 of finding elevated levels of fecal coliform or enterococci
 4048 bacteria in a water sample, the department shall concurrently
 4049 notify the municipality or county in which the affected beach
 4050 waters are located, whichever has jurisdiction, and the local
 4051 office of the Department of Environmental Protection, of the
 4052 advisory. The local office of the Department of Environmental
 4053 Protection shall promptly investigate wastewater treatment
 4054 facilities within 1 mile of the affected beach waters or public
 4055 bathing place to determine if a facility experienced an incident
 4056 that may have contributed to the contamination and provide the
 4057 results of the investigation in writing or by electronic means
 4058 to the municipality or county, as applicable.

CS/CS/HB 1263

2012

4059 (5) Contingent upon legislative appropriation to the
4060 department in the amount of \$600,000 nonrecurring, the
4061 department will perform a 3-year study to determine the water
4062 quality at beaches throughout the state. The study will be
4063 performed in all counties that have public-access saltwater and
4064 brackish water beaches.

4065 Section 100. Section 514.025, Florida Statutes, is amended
4066 to read:

4067 514.025 Assignment of authority to county health
4068 departments.—

4069 (1) ~~The department shall assign to~~ County health
4070 departments that are staffed with qualified engineering
4071 personnel shall perform the functions of reviewing applications
4072 and plans for the construction, development, or modification of
4073 public swimming pools or bathing places; of conducting
4074 inspections ~~for and issuance of initial operating permits;~~ and
4075 of issuing all permits. If the county health department
4076 determines that qualified staff are not available ~~is not~~
4077 ~~assigned the functions of application and plan review and the~~
4078 ~~issuance of initial operating permits,~~ the department shall be
4079 responsible for such functions. ~~The department shall make the~~
4080 ~~determination concerning the qualifications of county health~~
4081 ~~department personnel to perform these functions and may make and~~
4082 ~~enforce such rules pertaining thereto as it shall deem proper.~~

4083 (2) ~~After the initial operating permit is issued, the~~
4084 County health departments are responsible ~~shall assume full~~
4085 ~~responsibility~~ for routine surveillance of water quality in all
4086 public swimming pools and bathing places, including

CS/CS/HB 1263

2012

4087 ~~responsibility for a minimum of two~~ routine inspections
 4088 annually, complaint investigations, enforcement procedures, and
 4089 ~~reissuance of operating permits, and renewal of~~ operating
 4090 permits.

4091 (3) The department may assign the responsibilities and
 4092 functions specified in this section to any multicounty
 4093 independent special district created by the Legislature to
 4094 perform multiple functions, to include municipal services and
 4095 improvements, to the same extent and under the same conditions
 4096 as provided in subsections (1) and (2), upon request of the
 4097 special district.

4098 Section 101. Section 514.03, Florida Statutes, is amended
 4099 to read:

4100 514.03 ~~Construction plans~~ Approval necessary to construct,
 4101 develop, or modify public swimming pools or public bathing
 4102 places. ~~It is unlawful for any person or public body to~~
 4103 ~~construct, develop, or modify any public swimming pool or~~
 4104 ~~bathing place, other than coastal or intracoastal beaches,~~
 4105 ~~without a valid construction plans approval from the department.~~
 4106 ~~This section does not preempt the authority of Local governments~~
 4107 ~~or local enforcement districts~~ may determine to conduct plan
 4108 ~~reviews and inspections of public swimming pools and bathing~~
 4109 ~~places for compliance with the general construction standards of~~
 4110 the Florida Building Code, pursuant to s. 553.80. Local
 4111 governments or local enforcement districts may conduct plan
 4112 reviews and inspections of public swimming pools and public
 4113 bathing places for this purpose.

4114 ~~(1) Any person or public body desiring to construct,~~

4115 ~~develop, or modify any public swimming pool or bathing place~~
4116 ~~shall file an application for a construction plans approval with~~
4117 ~~the department on application forms provided by the department~~
4118 ~~and shall accompany such application with:~~

4119 ~~(a) Engineering drawings, specifications, descriptions,~~
4120 ~~and detailed maps of the structure, its appurtenances, and its~~
4121 ~~intended operation.~~

4122 ~~(b) A description of the source or sources of water supply~~
4123 ~~and amount and quality of water available and intended to be~~
4124 ~~used.~~

4125 ~~(c) A description of the method and manner of water~~
4126 ~~purification, treatment, disinfection, and heating.~~

4127 ~~(d) Other applicable information deemed necessary by the~~
4128 ~~department to fulfill the requirements of this chapter.~~

4129 ~~(2) If the proposed construction of, development of, or~~
4130 ~~modification of a public swimming pool or bathing place meets~~
4131 ~~standards of public health and safety as defined in this chapter~~
4132 ~~and rules adopted hereunder, the department shall grant the~~
4133 ~~application for the construction plans approval within 30 days~~
4134 ~~after receipt of a complete submittal. If engineering plans~~
4135 ~~submitted are in substantial compliance with the standards~~
4136 ~~aforementioned, the department may approve the plans with~~
4137 ~~provisions for corrective action to be completed prior to~~
4138 ~~issuance of the operating permit.~~

4139 ~~(3) If the proposed construction, development, or~~
4140 ~~modification of a public swimming pool or bathing place fails to~~
4141 ~~meet standards of public health and safety as defined in this~~
4142 ~~chapter and rules adopted hereunder, the department shall deny~~

4143 ~~the application for construction plans approval pursuant to the~~
 4144 ~~provisions of chapter 120. Such denial shall be issued in~~
 4145 ~~writing within 30 days and shall list the circumstances for~~
 4146 ~~denial. Upon correction of such circumstances, an applicant~~
 4147 ~~previously denied permission to construct, develop, or modify a~~
 4148 ~~public swimming pool or bathing place may reapply for~~
 4149 ~~construction plans approval.~~

4150 ~~(4) An approval of construction plans issued by the~~
 4151 ~~department under this section becomes void 1 year after the date~~
 4152 ~~the approval was issued if the construction is not commenced~~
 4153 ~~within 1 year after the date of issuance.~~

4154 Section 102. Section 514.031, Florida Statutes, is amended
 4155 to read:

4156 514.031 Permit necessary to operate public swimming pool
 4157 ~~or bathing place.~~

4158 (1) It is unlawful for any person or public body to
 4159 operate or continue to operate any public swimming pool ~~or~~
 4160 ~~bathing place~~ without a valid permit from the county health
 4161 department, such permit to be obtained in the following manner:

4162 (a) Any person or public body desiring to operate any
 4163 public swimming pool ~~or bathing place~~ shall file an application
 4164 for a permit with the county health department, on application
 4165 forms provided by the county health department, and shall
 4166 accompany such application with:

4167 ~~1. Descriptions of the structure, its appurtenances, and~~
 4168 ~~its operation.~~

4169 ~~1.2.~~ Description of the source or sources of water supply,
 4170 and the amount and quality of water available and intended to be

4171 used.

4172 ~~2.3.~~ Method and manner of water purification, treatment,
 4173 disinfection, and heating.

4174 ~~3.4.~~ Safety equipment and standards to be used.

4175 ~~5. Measures to ensure personal cleanliness of bathers.~~

4176 ~~4.6.~~ Any other pertinent information deemed necessary by
 4177 the county health department ~~to fulfill the requirements of this~~
 4178 ~~chapter.~~

4179 (b) If the county health department determines that the
 4180 public swimming pool ~~or bathing place~~ is or may reasonably be
 4181 expected to be operated in compliance with this chapter and the
 4182 rules adopted hereunder, the department shall grant the
 4183 application for permit.

4184 (c) If the county health department determines that the
 4185 public swimming pool ~~or bathing place~~ does not meet the
 4186 provisions outlined in this chapter or the rules adopted
 4187 hereunder, the county health department shall deny the
 4188 application for a permit pursuant to the provisions of chapter
 4189 120. Such denial shall be in writing and shall list the
 4190 circumstances for the denial. Upon correction of such
 4191 circumstances, an applicant previously denied permission to
 4192 operate a public swimming pool or bathing place may reapply for
 4193 a permit.

4194 (2) Operating permits shall not be required for coastal or
 4195 intracoastal beaches.

4196 (3) Operating permits may be transferred ~~shall not be~~
 4197 ~~transferable~~ from one name or owner to another. When the
 4198 ownership or name of an existing public swimming pool ~~or bathing~~

CS/CS/HB 1263

2012

4199 ~~place~~ is changed and such establishment is operating at the time
 4200 of the change with a valid permit from the department, the new
 4201 owner must notify the county health ~~of the establishment shall~~
 4202 ~~apply to the~~ department, upon forms provided by the county
 4203 health department, within 30 days after such a change, ~~for a~~
 4204 ~~reissuance of the existing permit.~~

4205 (4) Each such operating permit shall be renewed annually
 4206 and the permit must be posted in a conspicuous place.

4207 (5) An owner or operator of a public swimming pool,
 4208 including, but not limited to, a spa, wading, or special purpose
 4209 pool, to which admittance is obtained by membership for a fee
 4210 shall post in a prominent location within the facility the most
 4211 recent pool inspection report issued by the department
 4212 pertaining to the health and safety conditions of such facility.
 4213 The report shall be legible and readily accessible to members or
 4214 potential members. The department shall adopt rules to enforce
 4215 this subsection. A portable pool may not be used as a public
 4216 pool.

4217 Section 103. Section 514.033, Florida Statutes, is amended
 4218 to read:

4219 514.033 Creation of fee schedules authorized.—

4220 (1) The department is authorized to establish a schedule
 4221 of fees to be charged by the department or by any authorized
 4222 county health department as detailed in s. 514.025 ~~for the~~
 4223 ~~review of applications and plans to construct, develop, or~~
 4224 ~~modify a public swimming pool or bathing place, for the issuance~~
 4225 ~~of permits to operate such establishments, and for the review of~~
 4226 ~~variance applications for public swimming pools and bathing~~

CS/CS/HB 1263

2012

4227 ~~places.~~ Fees assessed under this chapter shall be in an amount
 4228 sufficient to meet the cost of carrying out the provisions of
 4229 this chapter.

4230 (2) The fee schedule shall be: for original construction
 4231 or development plan approval, not less than \$275 and not more
 4232 than \$500; for modification of original construction, not less
 4233 than \$100 and not more than \$150; for an initial operating
 4234 permit, not less than \$125 and not more than \$250; and for
 4235 review of variance applications, not less than \$240 and not more
 4236 than \$400. The department shall assess the minimum fees provided
 4237 in this subsection until a fee schedule is promulgated by rule
 4238 of the department.

4239 (3) Fees shall be ~~Any person or public body operating a~~
 4240 ~~public swimming pool or bathing place shall pay to the~~
 4241 ~~department an annual operating permit fee based on pool or~~
 4242 ~~bathing place aggregate gallonage, which shall be: up to and~~
 4243 including 25,000 gallons, not less than \$75 and not more than
 4244 \$125; and in excess of 25,000 gallons, not less than \$160 and
 4245 not more than \$265, except for a pool inspected pursuant to s.
 4246 514.0115(2) (b) for which the annual fee shall be \$50.

4247 (4) Fees collected by the department or a county health
 4248 department in accordance with this chapter shall be deposited
 4249 into the ~~Public Swimming Pool and Bathing Place Trust Fund for~~
 4250 ~~the payment of costs incurred in the administration of this~~
 4251 ~~chapter. Fees collected by county health departments performing~~
 4252 ~~functions pursuant to s. 514.025 shall be deposited into the~~
 4253 County Health Department Trust Fund. Any fee collected under
 4254 this chapter is nonrefundable.

CS/CS/HB 1263

2012

4255 (5) The department may not charge any fees for services
 4256 provided under this chapter other than those fees authorized in
 4257 this section. However, the department shall prorate the initial
 4258 annual fee for an operating permit on a half-year basis.

4259 Section 104. Subsections (4) and (5) of section 514.05,
 4260 Florida Statutes, are amended to read:

4261 514.05 Denial, suspension, or revocation of permit;
 4262 administrative fines.—

4263 (4) All amounts collected pursuant to this section shall
 4264 be deposited into the ~~Public Swimming Pool and Bathing Place~~
 4265 ~~Trust Fund or into the County Health Department Trust Fund,~~
 4266 ~~whichever is applicable.~~

4267 (5) Under conditions specified by rule, the county health
 4268 department may close a public pool that is not in compliance
 4269 with this chapter or the rules adopted under this chapter.

4270 Section 105. Section 514.06, Florida Statutes, is amended
 4271 to read:

4272 514.06 Injunction to restrain violations.—Any public
 4273 swimming pool or public bathing place presenting a significant
 4274 risk to public health by failing to meet the water quality and
 4275 safety standards established pursuant to ~~constructed, developed,~~
 4276 ~~operated, or maintained contrary to the provisions of this~~
 4277 chapter is declared to be a public nuisance, dangerous to health
 4278 or safety. Such nuisances may be abated or enjoined in an action
 4279 brought by the county health department or the department.

4280 Section 106. Subsections (1) and (2) of section 633.115,
 4281 Florida Statutes, are amended to read:

4282 633.115 Fire and Emergency Incident Information Reporting

4283 Program; duties; fire reports.—

4284 (1) (a) The Fire and Emergency Incident Information
 4285 Reporting Program is created within the Division of State Fire
 4286 Marshal. The program shall:

4287 1. Establish and maintain an electronic communication
 4288 system capable of transmitting fire and emergency incident
 4289 information to and between fire protection agencies.

4290 2. Initiate a Fire and Emergency Incident Information
 4291 Reporting System that shall be responsible for:

4292 a. Receiving fire and emergency incident information from
 4293 fire protection agencies.

4294 b. Preparing and disseminating annual reports to the
 4295 Governor, the President of the Senate, the Speaker of the House
 4296 of Representatives, fire protection agencies, and, upon request,
 4297 the public. Each report shall include, but not be limited to,
 4298 the information listed in the National Fire Incident Reporting
 4299 System.

4300 c. Upon request, providing other states and federal
 4301 agencies with fire and emergency incident data of this state.

4302 3. Adopt rules to effectively and efficiently implement,
 4303 administer, manage, maintain, and use the Fire and Emergency
 4304 Incident Information Reporting Program. The rules shall be
 4305 considered minimum requirements and shall not preclude a fire
 4306 protection agency from implementing its own requirements which
 4307 shall not conflict with the rules of the Division of State Fire
 4308 Marshal.

4309 4. By rule, establish procedures and a format for each
 4310 fire protection agency to voluntarily monitor its records and

CS/CS/HB 1263

2012

4311 submit reports to the program.

4312 5. Establish an electronic information database which is
4313 accessible and searchable by fire protection agencies.

4314 (b) The Division of State Fire Marshal shall consult with
4315 the Division of Forestry of the Department of Agriculture and
4316 Consumer Services and the Bureau of Emergency Preparedness and
4317 Community Support ~~Medical Services~~ of the Department of Health
4318 to coordinate data, ensure accuracy of the data, and limit
4319 duplication of efforts in data collection, analysis, and
4320 reporting.

4321 (2) The Fire and Emergency Incident Information System
4322 Technical Advisory Panel is created within the Division of State
4323 Fire Marshal. The panel shall advise, review, and recommend to
4324 the State Fire Marshal with respect to the requirements of this
4325 section. The membership of the panel shall consist of the
4326 following 15 members:

4327 (a) The current 13 members of the Firefighters Employment,
4328 Standards, and Training Council as established in s. 633.31.

4329 (b) One member from the Division of Forestry of the
4330 Department of Agriculture and Consumer Services, appointed by
4331 the division director.

4332 (c) One member from the Bureau of Emergency Preparedness
4333 and Community Support ~~Medical Services~~ of the Department of
4334 Health, appointed by the bureau chief.

4335 Section 107. Subsections (4), (5), (6), (8), (9), (10),
4336 (11), and (12) of section 1009.66, Florida Statutes, are amended
4337 to read:

4338 1009.66 Nursing Student Loan Forgiveness Program.—

CS/CS/HB 1263

2012

4339 (4) From the funds available, the Department of Education
4340 ~~Health~~ may make loan principal repayments of up to \$4,000 a year
4341 for up to 4 years on behalf of selected graduates of an
4342 accredited or approved nursing program. All repayments shall be
4343 contingent upon continued proof of employment in the designated
4344 facilities in this state and shall be made directly to the
4345 holder of the loan. The state shall bear no responsibility for
4346 the collection of any interest charges or other remaining
4347 balance. In the event that the designated facilities are
4348 changed, a nurse shall continue to be eligible for loan
4349 forgiveness as long as he or she continues to work in the
4350 facility for which the original loan repayment was made and
4351 otherwise meets all conditions of eligibility.

4352 (5) There is created the Nursing Student Loan Forgiveness
4353 Trust Fund to be administered by the Department of Education
4354 ~~Health~~ pursuant to this section and s. 1009.67 and department
4355 rules. The Chief Financial Officer shall authorize expenditures
4356 from the trust fund upon receipt of vouchers approved by the
4357 Department of Education ~~Health~~. All moneys collected from the
4358 private health care industry and other private sources for the
4359 purposes of this section shall be deposited into the Nursing
4360 Student Loan Forgiveness Trust Fund. Any balance in the trust
4361 fund at the end of any fiscal year shall remain therein and
4362 shall be available for carrying out the purposes of this section
4363 and s. 1009.67.

4364 (6) In addition to licensing fees imposed under part I of
4365 chapter 464, there is hereby levied and imposed an additional
4366 fee of \$5, which fee shall be paid upon licensure or renewal of

4367 nursing licensure. Revenues collected from the fee imposed in
 4368 this subsection shall be deposited in the Nursing Student Loan
 4369 Forgiveness Trust Fund of the Department of Education ~~Health~~ and
 4370 will be used solely for the purpose of carrying out the
 4371 provisions of this section and s. 1009.67. Up to 50 percent of
 4372 the revenues appropriated to implement this subsection may be
 4373 used for the nursing scholarship program established pursuant to
 4374 s. 1009.67.

4375 ~~(8) The Department of Health may solicit technical~~
 4376 ~~assistance relating to the conduct of this program from the~~
 4377 ~~Department of Education.~~

4378 (8)~~(9)~~ The Department of Education ~~Health~~ is authorized to
 4379 recover from the Nursing Student Loan Forgiveness Trust Fund its
 4380 costs for administering the Nursing Student Loan Forgiveness
 4381 Program.

4382 (9)~~(10)~~ The Department of Education ~~Health~~ may adopt rules
 4383 necessary to administer this program.

4384 (10)~~(11)~~ This section shall be implemented only as
 4385 specifically funded.

4386 (11)~~(12)~~ Students receiving a nursing scholarship pursuant
 4387 to s. 1009.67 are not eligible to participate in the Nursing
 4388 Student Loan Forgiveness Program.

4389 Section 108. Section 1009.67, Florida Statutes, is amended
 4390 to read:

4391 1009.67 Nursing scholarship program.—

4392 (1) There is established within the Department of
 4393 Education ~~Health~~ a scholarship program for the purpose of
 4394 attracting capable and promising students to the nursing

4395 profession.

4396 (2) A scholarship applicant shall be enrolled in an
 4397 approved nursing program leading to the award of an associate
 4398 degree, a baccalaureate degree, or a graduate degree in nursing.

4399 (3) A scholarship may be awarded for no more than 2 years,
 4400 in an amount not to exceed \$8,000 per year. However, registered
 4401 nurses pursuing a graduate degree for a faculty position or to
 4402 practice as an advanced registered nurse practitioner may
 4403 receive up to \$12,000 per year. These amounts shall be adjusted
 4404 by the amount of increase or decrease in the consumer price
 4405 index for urban consumers published by the United States
 4406 Department of Commerce.

4407 (4) Credit for repayment of a scholarship shall be as
 4408 follows:

4409 (a) For each full year of scholarship assistance, the
 4410 recipient agrees to work for 12 months in a faculty position in
 4411 a college of nursing or Florida College System institution
 4412 nursing program in this state or at a health care facility in a
 4413 medically underserved area as designated ~~approved~~ by the
 4414 Department of Health. Scholarship recipients who attend school
 4415 on a part-time basis shall have their employment service
 4416 obligation prorated in proportion to the amount of scholarship
 4417 payments received.

4418 (b) Eligible health care facilities include nursing homes
 4419 and hospitals in this state, state-operated medical or health
 4420 care facilities, public schools, county health departments,
 4421 federally sponsored community health centers, colleges of
 4422 nursing in universities in this state, and Florida College

CS/CS/HB 1263

2012

4423 System institution nursing programs in this state, family
4424 practice teaching hospitals as defined in s. 395.805, or
4425 specialty children's hospitals as described in s. 409.9119. The
4426 recipient shall be encouraged to complete the service obligation
4427 at a single employment site. If continuous employment at the
4428 same site is not feasible, the recipient may apply to the
4429 department for a transfer to another approved health care
4430 facility.

4431 (c) Any recipient who does not complete an appropriate
4432 program of studies, who does not become licensed, who does not
4433 accept employment as a nurse at an approved health care
4434 facility, or who does not complete 12 months of approved
4435 employment for each year of scholarship assistance received
4436 shall repay to the Department of Education ~~Health~~, on a schedule
4437 to be determined by the department, the entire amount of the
4438 scholarship plus 18 percent interest accruing from the date of
4439 the scholarship payment. Moneys repaid shall be deposited into
4440 the Nursing Student Loan Forgiveness Trust Fund established in
4441 s. 1009.66. However, the department may provide additional time
4442 for repayment if the department finds that circumstances beyond
4443 the control of the recipient caused or contributed to the
4444 default.

4445 (5) Scholarship payments shall be transmitted to the
4446 recipient upon receipt of documentation that the recipient is
4447 enrolled in an approved nursing program. The Department of
4448 Education ~~Health~~ shall develop a formula to prorate payments to
4449 scholarship recipients so as not to exceed the maximum amount
4450 per academic year.

4451 (6) The Department of Education ~~Health~~ shall adopt rules,
4452 including rules to address extraordinary circumstances that may
4453 cause a recipient to default on either the school enrollment or
4454 employment contractual agreement, to implement this section.

4455 (7) The Department of Education ~~Health~~ may recover from
4456 the Nursing Student Loan Forgiveness Trust Fund its costs for
4457 administering the nursing scholarship program.

4458 Section 109. Department of Health; type two transfer.—

4459 (1) All powers, duties, functions, records, offices,
4460 personnel, associated administrative support positions,
4461 property, pending issues, existing contracts, administrative
4462 authority, administrative rules, and unexpended balances of
4463 appropriations, allocations, and other funds relating to the
4464 Nursing Student Loan Forgiveness Program and the nursing
4465 scholarship program in the Department of Health are transferred
4466 by a type two transfer, as defined in s. 20.06(2), Florida
4467 Statutes, to the Department of Education.

4468 (2) The Nursing Student Loan Forgiveness Trust Fund is
4469 transferred from the Department of Health to the Department of
4470 Education.

4471 (3) Any binding contract or interagency agreement related
4472 to the Nursing Student Loan Forgiveness Program existing before
4473 July 1, 2012, between the Department of Health, or an entity or
4474 agent of the agency, and any other agency, entity, or person
4475 shall continue as a binding contract or agreement for the
4476 remainder of the term of such contract or agreement on the
4477 successor department, agency, or entity responsible for the

4478 program, activity, or functions relative to the contract or
4479 agreement.

4480 (4) Notwithstanding s. 216.292 and pursuant to s. 216.351,
4481 Florida Statutes, upon approval by the Legislative Budget
4482 Commission, the Executive Office of the Governor may transfer
4483 funds and positions between agencies to implement this act.

4484 (5) The transfer of any program, activity, duty, or
4485 function under this act includes the transfer of any records and
4486 unexpended balances of appropriations, allocations, or other
4487 funds related to such program, activity, duty, or function.
4488 Unless otherwise provided, the successor organization to any
4489 program, activity, duty, or function transferred under this act
4490 shall become the custodian of any property of the organization
4491 that was responsible for the program, activity, duty, or
4492 function immediately before the transfer.

4493 Section 110. The Division of Medical Quality Assurance
4494 shall develop a plan to improve the efficiency of its functions.
4495 Specifically, the plan shall delineate methods to: reduce the
4496 average length of time for a qualified applicant to receive
4497 initial and renewal licensure, certification, or registration,
4498 by one-third; improve the agenda process for board meetings to
4499 increase transparency, timeliness, and usefulness for board
4500 decisionmaking; and improve the cost-effectiveness and
4501 efficiency of the joint functions of the division and the
4502 regulatory boards. In developing the plan, the division shall
4503 identify and analyze best practices found within the division
4504 and other state agencies with similar functions, options for
4505 information technology improvements, options for contracting

4506 with outside entities, and any other option the division deems
 4507 useful. The division shall consult with and solicit
 4508 recommendations from the regulatory boards in developing the
 4509 plan. The division shall submit the plan to the Governor, the
 4510 Speaker of the House of Representatives, and the President of
 4511 the Senate by November 1, 2012. All executive branch agencies
 4512 are instructed, and all other state agencies are requested, to
 4513 assist the division in accomplishing its purposes under this
 4514 section.

4515 Section 111. Paragraph (e) of subsection (2) of section
 4516 154.503, Florida Statutes, is amended to read:

4517 154.503 Primary Care for Children and Families Challenge
 4518 Grant Program; creation; administration.—

4519 (2) The department shall:

4520 (e) Coordinate with the primary care program developed
 4521 pursuant to s. 154.011, the Florida Healthy Kids Corporation
 4522 program created in s. 624.91, the school health services program
 4523 created in ss. 381.0056 and 381.0057, ~~the Healthy Communities,~~
 4524 ~~Healthy People Program created in s. 381.734,~~ and the volunteer
 4525 health care provider program developed pursuant to s. 766.1115.

4526 Section 112. Subsection (1), paragraph (c) of subsection
 4527 (3), and subsection (9) of section 381.0041, Florida Statutes,
 4528 are amended to read:

4529 381.0041 Donation and transfer of human tissue; testing
 4530 requirements.—

4531 (1) Every donation of blood, plasma, organs, skin, or
 4532 other human tissue for transfusion or transplantation to another
 4533 shall be tested prior to transfusion or other use for human

CS/CS/HB 1263

2012

4534 immunodeficiency virus infection and other communicable diseases
4535 specified by rule of the Department of Health. Tests for the
4536 human immunodeficiency virus infection shall be performed only
4537 after obtaining written, informed consent from the potential
4538 donor or the donor's legal representative. Such consent may be
4539 given by a minor pursuant to s. 743.06. Obtaining consent shall
4540 include a fair explanation of the procedures to be followed and
4541 the meaning and use of the test results. Such explanation shall
4542 include a description of the confidential nature of the test as
4543 described in s. 381.004(2) ~~381.004(3)~~. If consent for testing is
4544 not given, then the person shall not be accepted as a donor
4545 except as otherwise provided in subsection (3).

4546 (3) No person shall collect any blood, organ, skin, or
4547 other human tissue from one human being and hold it for, or
4548 actually perform, any implantation, transplantation,
4549 transfusion, grafting, or any other method of transfer to
4550 another human being without first testing such tissue for the
4551 human immunodeficiency virus and other communicable diseases
4552 specified by rule of the Department of Health, or without
4553 performing another process approved by rule of the Department of
4554 Health capable of killing the causative agent of those diseases
4555 specified by rule. Such testing shall not be required:

4556 (c) When there is insufficient time to obtain the results
4557 of a confirmatory test for any tissue or organ which is to be
4558 transplanted, notwithstanding the provisions of s. 381.004(2)(d)
4559 ~~381.004(3)(d)~~. In such circumstances, the results of preliminary
4560 screening tests may be released to the potential recipient's
4561 treating physician for use in determining organ or tissue

4562 suitability.

4563 (9) All blood banks shall be governed by the
 4564 confidentiality provisions of s. 381.004(2) ~~381.004(3)~~.

4565 Section 113. Paragraph (b) of subsection (3) of section
 4566 384.25, Florida Statutes, is amended to read:

4567 384.25 Reporting required.—

4568 (3) To ensure the confidentiality of persons infected with
 4569 the human immunodeficiency virus (HIV), reporting of HIV
 4570 infection and AIDS must be conducted using a system developed by
 4571 the Centers for Disease Control and Prevention of the United
 4572 States Public Health Service or an equivalent system.

4573 (b) The reporting may not affect or relate to anonymous
 4574 HIV testing programs conducted pursuant to s. 381.004(3)
 4575 ~~381.004(4)~~.

4576 Section 114. Subsection (5) of section 392.56, Florida
 4577 Statutes, is amended to read:

4578 392.56 Hospitalization, placement, and residential
 4579 isolation.—

4580 (5) If the department petitions the circuit court to order
 4581 that a person who has active tuberculosis be hospitalized in a
 4582 facility operated under s. 392.62~~(2)~~, the department shall
 4583 notify the facility of the potential court order.

4584 Section 115. Subsection (2) of section 456.032, Florida
 4585 Statutes, is amended to read:

4586 456.032 Hepatitis B or HIV carriers.—

4587 (2) Any person licensed by the department and any other
 4588 person employed by a health care facility who contracts a blood-
 4589 borne infection shall have a rebuttable presumption that the

CS/CS/HB 1263

2012

4590 illness was contracted in the course and scope of his or her
 4591 employment, provided that the person, as soon as practicable,
 4592 reports to the person's supervisor or the facility's risk
 4593 manager any significant exposure, as that term is defined in s.
 4594 381.004(1)(c) ~~381.004(2)(e)~~, to blood or body fluids. The
 4595 employer may test the blood or body fluid to determine if it is
 4596 infected with the same disease contracted by the employee. The
 4597 employer may rebut the presumption by the preponderance of the
 4598 evidence. Except as expressly provided in this subsection, there
 4599 shall be no presumption that a blood-borne infection is a job-
 4600 related injury or illness.

4601 Section 116. Paragraph (b) of subsection (9) of section
 4602 768.28, Florida Statutes, is amended to read:

4603 768.28 Waiver of sovereign immunity in tort actions;
 4604 recovery limits; limitation on attorney fees; statute of
 4605 limitations; exclusions; indemnification; risk management
 4606 programs.—

4607 (9)

4608 (b) As used in this subsection, the term:

4609 1. "Employee" includes any volunteer firefighter.

4610 2. "Officer, employee, or agent" includes, but is not
 4611 limited to, any health care provider when providing services
 4612 pursuant to s. 766.1115; ~~any member of the Florida Health~~
 4613 ~~Services Corps, as defined in s. 381.0302, who provides~~
 4614 ~~uncompensated care to medically indigent persons referred by the~~
 4615 ~~Department of Health;~~ any nonprofit independent college or
 4616 university located and chartered in this state which owns or
 4617 operates an accredited medical school, and its employees or

4618 agents, when providing patient services pursuant to paragraph
 4619 (10) (f); and any public defender or her or his employee or
 4620 agent, including, among others, an assistant public defender and
 4621 an investigator.

4622 Section 117. Subsection (1) of section 775.0877, Florida
 4623 Statutes, is amended to read:

4624 775.0877 Criminal transmission of HIV; procedures;
 4625 penalties.—

4626 (1) In any case in which a person has been convicted of or
 4627 has pled nolo contendere or guilty to, regardless of whether
 4628 adjudication is withheld, any of the following offenses, or the
 4629 attempt thereof, which offense or attempted offense involves the
 4630 transmission of body fluids from one person to another:

4631 (a) Section 794.011, relating to sexual battery;

4632 (b) Section 826.04, relating to incest;

4633 (c) Section 800.04, relating to lewd or lascivious
 4634 offenses committed upon or in the presence of persons less than
 4635 16 years of age;

4636 (d) Sections 784.011, 784.07(2) (a), and 784.08(2) (d),
 4637 relating to assault;

4638 (e) Sections 784.021, 784.07(2) (c), and 784.08(2) (b),
 4639 relating to aggravated assault;

4640 (f) Sections 784.03, 784.07(2) (b), and 784.08(2) (c),
 4641 relating to battery;

4642 (g) Sections 784.045, 784.07(2) (d), and 784.08(2) (a),
 4643 relating to aggravated battery;

4644 (h) Section 827.03(1), relating to child abuse;

4645 (i) Section 827.03(2), relating to aggravated child abuse;

CS/CS/HB 1263

2012

4646 (j) Section 825.102(1), relating to abuse of an elderly
4647 person or disabled adult;

4648 (k) Section 825.102(2), relating to aggravated abuse of an
4649 elderly person or disabled adult;

4650 (l) Section 827.071, relating to sexual performance by
4651 person less than 18 years of age;

4652 (m) Sections 796.03, 796.07, and 796.08, relating to
4653 prostitution; or

4654 (n) Section 381.0041(11)(b), relating to donation of
4655 blood, plasma, organs, skin, or other human tissue,
4656
4657 the court shall order the offender to undergo HIV testing, to be
4658 performed under the direction of the Department of Health in
4659 accordance with s. 381.004, unless the offender has undergone
4660 HIV testing voluntarily or pursuant to procedures established in
4661 s. 381.004(2)(h)6. ~~381.004(3)(h)6.~~ or s. 951.27, or any other
4662 applicable law or rule providing for HIV testing of criminal
4663 offenders or inmates, subsequent to her or his arrest for an
4664 offense enumerated in paragraphs (a)-(n) for which she or he was
4665 convicted or to which she or he pled nolo contendere or guilty.
4666 The results of an HIV test performed on an offender pursuant to
4667 this subsection are not admissible in any criminal proceeding
4668 arising out of the alleged offense.

4669 Section 118. Except as otherwise expressly provided in
4670 this act, this act shall take effect upon becoming a law.