

Bill No. CS for CS for SB 2216

Amendment No. ____ Barcode 142280

CHAMBER ACTION

Senate

House

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Senator Saunders moved the following amendment:

Senate Amendment (with title amendment)

On page 23, between lines 4 and 5,

and insert:

Section 12. Subsection (5) of section 17.41, Florida Statutes, is amended to read:

17.41 Department of Financial Services Tobacco Settlement Clearing Trust Fund.--

(5) The department shall disburse funds, by nonoperating transfer, from the Tobacco Settlement Clearing Trust Fund to the tobacco settlement trust funds of the various agencies or the Biomedical Research Trust Fund in the Department of Health, as appropriate, in amounts equal to the annual appropriations made from those agencies' trust funds in the General Appropriations Act.

Section 13. Paragraphs (f), (i), and (j) of subsection (3) of section 20.43, Florida Statutes, are amended, and paragraph (k) is added to that subsection, to read:

20.43 Department of Health.--There is created a

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1 Department of Health.

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

4 (f) Division of Emergency Medical Operations Services
5 ~~and Community Health Resources.~~

6 (i) Division of Information Technology Resource
7 ~~Management.~~

8 (j) Division of Health Access Awareness and Tobacco.

9 (k) Division of Disability Determinations.

10 Section 14. Section 216.341, Florida Statutes, is
11 transferred, renumbered as section 216.2625, Florida Statutes,
12 and amended to read:

13 216.2625 ~~216.341~~ Disbursement of ~~county health~~
14 ~~department~~ trust funds of the Department of Health; authorized
15 positions.--

16 (1) County health department trust funds may be
17 expended by the Department of Health for the respective county
18 health departments in accordance with budgets and plans agreed
19 upon by the county authorities of each county and the
20 Department of Health.

21 (2) The limitations on the number of authorized
22 positions ~~appropriations~~ provided in s. 216.262(1) ~~do shall~~
23 not apply to positions within the Department of Health which
24 are funded by:

25 (a) County health department trust funds; ~~or-~~

26 (b) The United States Trust Fund.

27 Section 15. Subsection (12) of section 381.0011,
28 Florida Statutes, is amended to read:

29 381.0011 Duties and powers of the Department of
30 Health.--It is the duty of the Department of Health to:

31 (12) Maintain ~~Cooperate with other departments, local~~

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1 ~~officials, and private organizations in developing and~~
2 ~~implementing a statewide injury-prevention injury control~~
3 ~~program.~~

4 Section 16. Subsection (17) is added to section
5 381.006, Florida Statutes, to read:

6 381.006 Environmental health.--The department shall
7 conduct an environmental health program as part of fulfilling
8 the state's public health mission. The purpose of this program
9 is to detect and prevent disease caused by natural and manmade
10 factors in the environment. The environmental health program
11 shall include, but not be limited to:

12 (17) A function for investigating elevated levels of
13 lead in blood. Each participating county health department may
14 expend funds for federally mandated certification or
15 recertification fees related to conducting investigations of
16 elevated levels of lead in blood.

17
18 The department may adopt rules to carry out the provisions of
19 this section.

20 Section 17. Paragraph (k) of subsection (2) of section
21 381.0066, Florida Statutes, is amended to read:

22 381.0066 Onsite sewage treatment and disposal systems;
23 fees.--

24 (2) The minimum fees in the following fee schedule
25 apply until changed by rule by the department within the
26 following limits:

27 (k) Research: An additional \$5 fee shall be added to
28 each new system construction permit issued ~~during fiscal years~~
29 ~~1996-2004~~ to be used for onsite sewage treatment and disposal
30 system research, demonstration, and training projects. Five
31 dollars from any repair permit fee collected under this

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1 section shall be used for funding the hands-on training
2 centers described in s. 381.0065(3)(j).

3

4 The funds collected pursuant to this subsection must be
5 deposited in a trust fund administered by the department, to
6 be used for the purposes stated in this section and ss.
7 381.0065 and 381.00655.

8 Section 18. Section 381.0069, Florida Statutes, is
9 created to read:

10 381.0069 Portable restroom contracting.--

11 (1) DEFINITIONS.--As used in this section, the term:

12 (a) "Department" means the Department of Health.

13 (b) "Portable restroom" means any holding tank,
14 portable toilet, mobile restroom trailer, mobile shower
15 trailer, or portable restroom facility intended for use on a
16 permanent or nonpermanent basis, including any such facility
17 placed at a construction site when workers are present.

18 (c) "Portable restroom contractor" means a portable
19 restroom contractor who has knowledge of state health code law
20 and rules and has the experience, knowledge, and skills to
21 handle, deliver, and pick up sanitary portable restrooms, to
22 install, safely handle, and maintain portable holding tanks,
23 and to handle, transport, and dispose of domestic portable
24 restroom and portable holding tank wastewater.

25 (2) REGISTRATION REQUIRED.--A person may not hold
26 himself or herself out as a portable restroom contractor in
27 this state unless he or she is registered by the department in
28 accordance with this section. However, this section does not
29 prohibit any person licensed pursuant to s. 489.105(3)(m) or
30 part III of chapter 489 from engaging in the profession for
31 which he or she is licensed. This section does not apply to an

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1 entity defined in s. 403.70605(4)(b).

2 (3) ADMINISTRATION OF SECTION; REGISTRATION
3 QUALIFICATIONS; EXAMINATION.--

4 (a) Each person desiring to be registered pursuant to
5 this section shall apply to the department in writing upon
6 forms prepared and furnished by the department.

7 (b) The department shall administer, coordinate, and
8 enforce the provisions of this section, administer the
9 examination for applicants, and be responsible for the
10 granting of certificates of registration to qualified persons.

11 (c) The department shall adopt rules pursuant to ss.
12 120.536(1) and 120.54 to administer this section that
13 establish ethical standards of practice, requirements for
14 registering as a contractor, requirements for obtaining an
15 initial or renewal certificate of registration, disciplinary
16 guidelines, and requirements for the certification of
17 partnerships and corporations. The department may amend or
18 repeal the rules in accordance with chapter 120.

19 (d) To be eligible for registration by the department
20 as a portable restroom contractor, the applicant shall:

21 1. Be of good moral character. In considering good
22 moral character, the department may consider any matter that
23 has a substantial connection between the good moral character
24 of the applicant and the professional responsibilities of a
25 registered contractor, including, but not limited to, the
26 applicant's being convicted or found guilty of, or entering a
27 plea of nolo contendere to, regardless of adjudication, a
28 crime in any jurisdiction that directly relates to the
29 practice of contracting or the ability to practice contracting
30 and previous disciplinary action involving portable restroom
31 contracting for which all judicial reviews have been

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1 completed.

2 2. Pass an examination approved by the department
3 which demonstrates that the applicant has a fundamental
4 knowledge of the state laws relating to the installation,
5 maintenance, and wastewater disposal of portable restrooms,
6 portable sinks, and portable holding tanks.

7 3. Be at least 18 years of age.

8 4. Have a total of at least 3 years of active
9 experience serving an apprenticeship as a skilled worker under
10 the supervision and control of a registered portable restroom
11 contractor. Related work experience or educational experience
12 may be substituted for no more than 2 years of active
13 contracting experience. Each 30 hours of coursework approved
14 by the department shall be substituted for 6 months of work
15 experience. Out-of-state work experience shall be accepted on
16 a year-for-year basis for any applicant who demonstrates that
17 he or she holds a current license issued by another state for
18 portable restroom contracting which was issued upon
19 satisfactory completion of an examination and continuing
20 education courses that are equivalent to the requirements in
21 this state. Individuals from a state with no state
22 certification who have successfully completed a written
23 examination provided by the Portable Sanitation Association
24 International shall only be required to take the written
25 portion of the examination that includes state health code law
26 and rules. For purposes of this section, an equivalent
27 examination must include the topics of state health code law
28 and rules applicable to portable restrooms and the knowledge
29 required to handle, deliver, and pick up sanitary portable
30 restrooms; to install, handle, and maintain portable holding
31 tanks; and to handle, transport, and dispose of domestic

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1 portable restroom and portable holding tank wastewater. A
2 person employed by and under the supervision of such an
3 out-of-state licensed contractor shall be granted up to 2
4 years of related work experience.

5 5. Have not had a registration revoked the effective
6 date of which was less than 5 years before the application.

7 (e) The department shall provide each applicant for
8 registration pursuant to this section with a copy of this
9 section and any rules adopted under this section. The
10 department may also prepare and disseminate such other
11 material and questionnaires as it deems necessary to
12 effectuate the registration provisions of this section.

13 (f) Any person who was employed 1 or more years in
14 this state by a portable restroom service holding a permit
15 issued by the department on or before October 1, 2004, has
16 until October 1, 2005, to be registered by the department in
17 accordance with this section and may continue to perform
18 portable restroom contracting services until that time. Such
19 persons are exempt until October 1, 2005, from the 3 years'
20 active work experience requirement of subparagraph (d)4.

21 (4) REGISTRATION RENEWAL.--

22 (a) The department shall prescribe by rule the method
23 for approval of continuing education courses and for renewal
24 of annual registration, for reverting to inactive status for
25 late filing of renewal applications, for allowing contractors
26 to hold their registration in inactive status for a specified
27 period, and for reactivating registrations. At a minimum,
28 annual renewal shall include continuing education requirements
29 of not less than 6 classroom hours annually for portable
30 restroom contractors.

31 (b) Certificates of registration shall become inactive

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1 when a renewal application is not filed in a timely manner. A
2 certificate that has become inactive may be reactivated under
3 this section by application to the department. A registered
4 contractor may apply to the department for voluntary inactive
5 status at any time during the period of registration.

6 (5) CERTIFICATION OF PARTNERSHIPS AND CORPORATIONS.--

7 (a) The practice of or the offer to practice portable
8 restroom contracting services by registrants through a parent
9 corporation, corporation, subsidiary of a corporation, or
10 partnership offering portable restroom contracting services to
11 the public through registrants under this section as agents,
12 employers, officers, or partners is permitted if one or more
13 of the principal officers of the corporation or one or more
14 partners of the partnership and all personnel of the
15 corporation or partnership who act on its behalf as portable
16 restroom contractors in this state are registered as provided
17 by this section and if the corporation or partnership has been
18 issued a certificate of authorization by the department as
19 provided in this subsection. An agent of the corporation may
20 be a manager of the corporation only when no officers of the
21 corporation reside in the State of Florida. In this case, the
22 corporation must provide a notarized letter of authorization
23 for one or more managers to act as the agent and registered
24 contractor on behalf of all matters of the corporation. This
25 authorization must provide the list of names and addresses of
26 all officers and include a statement that it in no way removes
27 any responsibility from the officers of the corporation. A
28 registered contractor may not be the sole qualifying
29 contractor for more than one business that requests a
30 certificate of authorization. A business organization that
31 loses its qualifying contractor has 60 days following the date

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1 the qualifier terminates his or her affiliation within which
2 to obtain another qualifying contractor. During this period,
3 the business organization may complete any existing contract
4 or continuing contract but may not undertake any new contract.
5 This period may be extended once by the department for an
6 additional 60 days upon a showing of good cause. This
7 subsection may not be construed to mean that a certificate of
8 registration to practice portable restroom contracting must be
9 held by a corporation. A corporation or partnership is not
10 relieved of responsibility for the conduct or acts of its
11 agents, employees, or officers by reason of its compliance
12 with this subsection, and an individual practicing portable
13 restroom contracting is not relieved of responsibility for
14 professional services performed by reason of his or her
15 employment or relationship with a corporation or partnership.

16 (b) For the purposes of this subsection, a certificate
17 of authorization shall be required for a corporation, a
18 partnership, an association, or a person practicing under a
19 fictitious name when offering portable restroom contracting
20 services to the public, except that when an individual is
21 practicing portable restroom contracting in his or her own
22 given name, he or she is not required to register under this
23 subsection.

24 (c) Each certification of authorization shall be
25 renewed every 2 years. Each partnership and corporation
26 certified under this subsection shall notify the department
27 within 1 month after any change in the information contained
28 in the application upon which the certification is based.

29 (d) Disciplinary action against a corporation or
30 partnership shall be administered in the same manner and on
31 the same grounds as disciplinary action against a registered

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1 portable restroom contractor.

2 (e) When a certificate of authorization has been
3 revoked, any person authorized by law to provide portable
4 restroom contracting services may not use the name or
5 fictitious name of the entity whose certificate was revoked or
6 any other identifiers for the entity, including telephone
7 numbers, advertisements, or logos.

8 (6) SUSPENSION OR REVOCATION OF REGISTRATION.--A
9 certificate of registration may be suspended or revoked upon a
10 showing that the registrant has committed any of the
11 following:

12 (a) Violated any provision of this section.

13 (b) Violated any lawful order or rule rendered or
14 adopted by the department.

15 (c) Obtained his or her registration or any other
16 order, ruling, or authorization by means of fraud,
17 misrepresentation, or concealment of material facts.

18 (d) Been found guilty of one or more violations of
19 this section, s. 381.0065, s. 386.041, or any rule adopted
20 pursuant to those sections.

21 (7) FEES; ESTABLISHMENT.--

22 (a) The department shall, by rule, establish fees as
23 follows:

24 1. For registration as a portable restroom contractor:

25 a. Application and examination fee: not less than \$25
26 nor more than \$75.

27 b. Initial registration fee: not less than \$50 nor
28 more than \$100.

29 c. Renewal of registration fee: not less than \$50 nor
30 more than \$100.

31 2. For certification of a partnership or corporation:

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1 not less than \$100 nor more than \$250.

2 (b) Fees established pursuant to paragraph (a) shall
3 be based on the actual costs incurred by the department in
4 carrying out its registration and other related
5 responsibilities under this section.

6 (8) PENALTIES AND PROHIBITIONS.--

7 (a) A person who violates any provision of this
8 section commits a misdemeanor of the first degree, punishable
9 as provided in s. 775.082 or s. 775.083.

10 (b) The department may deny a registration,
11 authorization, or registration renewal if it determines that
12 an applicant does not meet all requirements of this section or
13 has violated any provision of this section or if there is any
14 outstanding administrative penalty with the department in
15 which the penalty is final agency action and all judicial
16 reviews are exhausted. Any applicant aggrieved by such denial
17 is entitled to a hearing, after reasonable notice thereof,
18 upon filing a written request for such hearing in accordance
19 with chapter 120.

20 Section 19. Subsection (1) of section 381.0061,
21 Florida Statutes, is amended to read:

22 381.0061 Administrative fines.--

23 (1) In addition to any administrative action
24 authorized by chapter 120 or by other law, the department may
25 impose a fine, which shall not exceed \$500 for each violation,
26 for a violation of s. 381.006(16), s. 381.0065, s. 381.0066,
27 s. 381.0069, s. 381.0072, or part III of chapter 489, for a
28 violation of any rule adopted under this chapter, or for a
29 violation of any of the provisions of chapter 386. Notice of
30 intent to impose such fine shall be given by the department to
31 the alleged violator. Each day that a violation continues may

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1 constitute a separate violation.

2 Section 20. Paragraph (m) of subsection (3) and
 3 subsection (5) of section 381.0065, Florida Statutes, are
 4 amended to read:

5 381.0065 Onsite sewage treatment and disposal systems;
 6 regulation.--

7 (3) DUTIES AND POWERS OF THE DEPARTMENT OF
 8 HEALTH.--The department shall:

9 (m) Regulate the use of portable restrooms, mobile
 10 restrooms, mobile shower trailers, and ~~Permit and inspect~~
 11 ~~portable or stationary temporary toilet services and holding~~
 12 ~~tanks; regulate, permit, and inspect the companies that~~
 13 ~~provide and service such facilities;.~~ ~~The department shall~~
 14 ~~review applications, perform site evaluations;~~ ~~and issue~~
 15 ~~permits for the temporary use of stationary holding tanks,~~
 16 ~~privies, portable toilet services, or any other toilet~~
 17 ~~facility that is intended for use on a permanent or~~
 18 ~~nonpermanent basis, including facilities placed on~~
 19 ~~construction sites when workers are present.~~ The department
 20 may specify standards for the construction, maintenance, use,
 21 and operation of any such facility ~~for temporary use.~~

22 (5) ENFORCEMENT; RIGHT OF ENTRY; CITATIONS.--

23 (a) Department personnel who have reason to believe
 24 noncompliance exists, may, at any reasonable time, enter the
 25 premises permitted under ss. 381.0065-381.0066, ~~or~~ the
 26 business premises of any septic tank contractor or master
 27 septic tank contractor registered under part III of chapter
 28 489, the business premises of any portable restroom contractor
 29 registered under s. 381.0069, or any premises that the
 30 department has reason to believe is being operated or
 31 maintained not in compliance, to determine compliance with the

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1 provisions of this section, part I of chapter 386, or part III
2 of chapter 489 or rules or standards adopted under ss.
3 381.0065-381.0067, s. 381.0069, part I of chapter 386, or part
4 III of chapter 489. As used in this paragraph, the term
5 "premises" does not include a residence or private building.
6 To gain entry to a residence or private building, the
7 department must obtain permission from the owner or occupant
8 or secure an inspection warrant from a court of competent
9 jurisdiction.

10 (b)1. The department may issue citations that may
11 contain an order of correction or an order to pay a fine, or
12 both, for violations of ss. 381.0065-381.0067, s. 381.0069,
13 part I of chapter 386, or part III of chapter 489 or the rules
14 adopted by the department, when a violation of these sections
15 or rules is enforceable by an administrative or civil remedy,
16 or when a violation of these sections or rules is a
17 misdemeanor of the second degree. A citation issued under ss.
18 381.0065-381.0067, s. 381.0069, part I of chapter 386, or part
19 III of chapter 489 constitutes a notice of proposed agency
20 action.

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

24 3. The fines imposed by a citation issued by the
25 department may not exceed \$500 for each violation. Each day
26 the violation exists constitutes a separate violation for
27 which a citation may be issued.

28 4. The department shall inform the recipient, by
29 written notice pursuant to ss. 120.569 and 120.57, of the
30 right to an administrative hearing to contest the citation
31 within 21 days after the date the citation is received. The

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1 citation must contain a conspicuous statement that if the
2 recipient fails to pay the fine within the time allowed, or
3 fails to appear to contest the citation after having requested
4 a hearing, the recipient has waived the recipient's right to
5 contest the citation and must pay an amount up to the maximum
6 fine.

7 5. The department may reduce or waive the fine imposed
8 by the citation. In determining whether to reduce or waive the
9 fine, the department must consider the gravity of the
10 violation, the person's attempts at correcting the violation,
11 and the person's history of previous violations including
12 violations for which enforcement actions were taken under ss.
13 381.0065-381.0067, s. 381.0069, part I of chapter 386, part
14 III of chapter 489, or other provisions of law or rule.

15 6. Any person who willfully refuses to sign and accept
16 a citation issued by the department commits a misdemeanor of
17 the second degree, punishable as provided in s. 775.082 or s.
18 775.083.

19 7. The department, pursuant to ss. 381.0065-381.0067,
20 s. 381.0069, part I of chapter 386, or part III of chapter
21 489, shall deposit any fines it collects in the county health
22 department trust fund for use in providing services specified
23 in those sections.

24 8. This section provides an alternative means of
25 enforcing ss. 381.0065-381.0067, s. 381.0069, part I of
26 chapter 386, and part III of chapter 489. This section does
27 not prohibit the department from enforcing ss.
28 381.0065-381.0067, s. 381.0069, part I of chapter 386, or part
29 III of chapter 489, or its rules, by any other means. However,
30 the department must elect to use only a single method of
31 enforcement for each violation.

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1 Section 21. Paragraph (a) of subsection (2) of section
2 381.0072, Florida Statutes, is amended to read:

3 381.0072 Food service protection.--It shall be the
4 duty of the Department of Health to adopt and enforce
5 sanitation rules consistent with law to ensure the protection
6 of the public from food-borne illness. These rules shall
7 provide the standards and requirements for the storage,
8 preparation, serving, or display of food in food service
9 establishments as defined in this section and which are not
10 permitted or licensed under chapter 500 or chapter 509.

11 (2) DUTIES.--

12 (a) The department shall adopt rules, including
13 definitions of terms which are consistent with law prescribing
14 minimum sanitation standards and manager certification
15 requirements as prescribed in s. 509.039, and which shall be
16 enforced in food service establishments as defined in this
17 section. The sanitation standards must address the
18 construction, operation, and maintenance of the establishment;
19 lighting, ventilation, laundry rooms, lockers, use and storage
20 of toxic materials and cleaning compounds, and first-aid
21 supplies; plan review; design, construction, installation,
22 location, maintenance, sanitation, and storage of food
23 equipment and utensils; employee training, health, hygiene,
24 and work practices; food supplies, preparation, storage,
25 transportation, and service, including access to the areas
26 where food is stored or prepared; and sanitary facilities and
27 controls, including water supply and sewage disposal; plumbing
28 and toilet facilities; garbage and refuse collection, storage,
29 and disposal; and vermin control. Public and private schools,
30 if the food service is operated by school employees; hospitals
31 licensed under chapter 395;~~7~~ nursing homes licensed under part

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1 II of chapter 400; ~~child care facilities as defined in s.~~
 2 ~~402.301; and residential facilities colocated with a nursing~~
 3 ~~home or hospital, if all food is prepared in a central kitchen~~
 4 ~~that complies with nursing or hospital regulations; and bars~~
 5 ~~and lounges, as defined by department rule, are shall be~~
 6 exempt from the rules developed for manager certification. The
 7 department shall administer a comprehensive inspection,
 8 monitoring, and sampling program to ensure such standards are
 9 maintained. With respect to food service establishments
 10 permitted or licensed under chapter 500 or chapter 509, the
 11 department shall assist the Division of Hotels and Restaurants
 12 of the Department of Business and Professional Regulation and
 13 the Department of Agriculture and Consumer Services with
 14 rulemaking by providing technical information.

15 Section 22. Section 381.0409, Florida Statutes, is
 16 created to read:

17 381.0409 Tobacco prevention program.--The Department
 18 of Health shall establish a comprehensive tobacco prevention
 19 program designed to reduce premature mortality, reduce
 20 morbidity, and increase the life expectancy of people in this
 21 state through public health interventions at the state and
 22 local levels. Implementation of this program is contingent
 23 upon the department's receiving a specific appropriation for
 24 this purpose.

25 (1) The comprehensive tobacco prevention program shall
 26 include the following components:

27 (a) Program elements based on "Best Practices for
 28 Comprehensive Tobacco Control Programs" identified by the
 29 Centers for Disease Control and Prevention and on the
 30 peer-reviewed scientific literature on tobacco prevention.

31 (b) Advocacy organizations of middle, high school, and

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1 college students.

2 (c) Cessation programs for youth and adults through
3 schools, county health departments, and local providers,
4 including a toll-free telephone quit line.

5 (d) Partnerships with local communities and schools to
6 prevent and reduce tobacco use, including reducing disparities
7 in tobacco use among different population groups.

8 (e) Local and statewide media campaigns separately
9 directed to youth and adults.

10 (f) Implementation of the provisions of the Florida
11 Clean Indoor Air Act under part II of chapter 386 which are
12 applicable to the department.

13 (2) The department shall act as a clearinghouse for
14 information on best practices and shall provide technical
15 assistance and training to state and local entities on tobacco
16 prevention activities.

17 (3) The department may accept funds from the private
18 sector to implement this section.

19 (4) The department shall conduct surveillance and
20 evaluations to measure program performance and improve
21 implementation strategies.

22 (5) The department may contract for any of the
23 activities specified in this section.

24 Section 23. Section 381.86, Florida Statutes, is
25 created to read:

26 381.86 Institutional Review Board.--

27 (1) The Institutional Review Board is created within
28 the Department of Health in order to satisfy federal
29 requirements under 45 C.F.R. part 46 and 21 C.F.R. parts 50
30 and 56 that an institutional review board review all
31 biomedical and behavioral research on human subjects which is

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1 funded or supported in any manner by the department.

2 (2) Consistent with federal requirements, the
3 Secretary of Health shall determine and appoint the membership
4 of the board and designate its chair.

5 (3) The department's Institutional Review Board may
6 serve as an institutional review board for other agencies at
7 the discretion of the secretary.

8 (4) Each board member is entitled to reimbursement for
9 per diem and travel expenses as provided in s. 112.061 while
10 carrying out the official business of the board.

11 (5) The department shall charge for costs it incurs
12 for the research oversight it provides according to a fee
13 schedule, except that fees shall be waived for any student who
14 is a candidate for a degree at a university located in this
15 state. The fee schedule shall provide fees for initial review,
16 amendments, and continuing review. The department may adopt
17 any rules necessary to comply with federal requirements and
18 this section. The rules must also prescribe procedures for
19 submitting an application for the Institutional Review Board's
20 review.

21 Section 24. Paragraphs (b) and (c) of subsection (3)
22 of section 381.89, Florida Statutes, are amended to read:

23 381.89 Regulation of tanning facilities.--

24 (3)

25 (b) The department shall establish procedures for the
26 issuance and annual renewal of licenses and shall establish
27 annual license and renewal fees and late-payment fees in an
28 amount necessary to cover the expenses of administering this
29 section. Annual license and renewal fees may not ~~shall~~ be ~~not~~
30 ~~less than \$125 nor more than \$250 per tanning device~~ and a
31 maximum total fee per individual tanning facility may be set

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1 ~~by rule. Effective October 1, 1991, the fee amount shall be~~
 2 ~~the minimum fee proscribed in this paragraph and such fee~~
 3 ~~amount shall remain in effect until the effective date of a~~
 4 ~~fee schedule adopted by the department.~~

5 (c) The department may adopt a system under which
 6 licenses expire on staggered dates and the annual renewal fees
 7 are prorated quarterly ~~monthly~~ to reflect the actual number of
 8 months the license is valid.

9 Section 25. Subsection (3) and paragraph (a) of
 10 subsection (7) of section 381.90, Florida Statutes, are
 11 amended to read:

12 381.90 Health Information Systems Council; legislative
 13 intent; creation, appointment, duties.--

14 (3) The council shall be composed of the following
 15 members or their senior executive-level designees:

16 (a) The Secretary ~~of the Department~~ of Health;

17 (b) The Executive Director ~~secretary~~ of the Department
 18 of Veterans' Affairs ~~Business and Professional Regulation~~;

19 (c) The Secretary ~~of the Department~~ of Children and
 20 Family Services;

21 (d) The Secretary of Health Care Administration;

22 (e) The Secretary ~~of the Department~~ of Corrections;

23 (f) The Attorney General;

24 (g) The Executive Director of the Correctional Medical
 25 Authority;

26 (h) Two members representing county health
 27 departments, one from a small county and one from a large
 28 county, appointed by the Governor;

29 (i) A representative from the Florida Association of
 30 Counties;

31 (j) The Chief Financial Officer;

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1 (k) A representative from the Florida Healthy Kids
2 Corporation;

3 (l) A representative from a school of public health
4 chosen by the Commissioner of Education ~~Board of Regents~~;

5 (m) The Commissioner of Education;

6 (n) The Secretary ~~of the Department~~ of Elderly
7 Affairs; and

8 (o) The Secretary ~~of the Department~~ of Juvenile
9 Justice.

10

11 Representatives of the Federal Government may serve without
12 voting rights.

13 (7) The council's duties and responsibilities include,
14 but are not limited to, the following:

15 (a) By June ~~March~~ 1 of each year, to develop and
16 approve a strategic plan pursuant to the requirements set
17 forth in s. 186.022 ~~s. 186.022(9)~~. ~~Copies of the plan shall be~~
18 ~~transmitted electronically or in writing to the Executive~~
19 ~~Office of the Governor, the Speaker of the House of~~
20 ~~Representatives, and the President of the Senate.~~

21 Section 26. Subsections (1) and (2), paragraphs (f)
22 and (g) of subsection (3), and subsection (5) of section
23 383.14, Florida Statutes, are amended to read:

24 383.14 Screening for metabolic disorders, other
25 hereditary and congenital disorders, and environmental risk
26 factors.--

27 (1) SCREENING REQUIREMENTS.--To help ensure access to
28 the maternal and child health care system, the Department of
29 Health shall promote the screening of all newborns ~~infants~~
30 born in Florida for ~~phenylketonuria and other~~ metabolic,
31 hereditary, and congenital disorders known to result in

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1 significant impairment of health or intellect, as screening
2 programs accepted by current medical practice become available
3 and practical in the judgment of the department. The
4 department shall also promote the identification and screening
5 of all newborns ~~infants born~~ in this state and their families
6 for environmental risk factors such as low income, poor
7 education, maternal and family stress, emotional instability,
8 substance abuse, and other high-risk conditions associated
9 with increased risk of infant mortality and morbidity to
10 provide early intervention, remediation, and prevention
11 services, including, but not limited to, parent support and
12 training programs, home visitation, and case management.
13 Identification, perinatal screening, and intervention efforts
14 shall begin prior to and immediately following the birth of
15 the child by the attending health care provider. Such efforts
16 shall be conducted in hospitals, perinatal centers, county
17 health departments, school health programs that provide
18 prenatal care, and birthing centers, and reported to the
19 Office of Vital Statistics.

20 (a) Prenatal screening.--The department shall develop
21 a multilevel screening process that includes a risk assessment
22 instrument to identify women at risk for a preterm birth or
23 other high-risk condition. The primary health care provider
24 shall complete the risk assessment instrument and report the
25 results to the Office of Vital Statistics so that the woman
26 may immediately be notified and referred to appropriate
27 health, education, and social services.

28 (b) Postnatal screening.--A risk factor analysis using
29 the department's designated risk assessment instrument shall
30 also be conducted as part of the medical screening process
31 upon the birth of a child and submitted to the department's

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1 Office of Vital Statistics for recording and other purposes
2 provided for in this chapter. The department's screening
3 process for risk assessment shall include a scoring mechanism
4 and procedures that establish thresholds for notification,
5 further assessment, referral, and eligibility for services by
6 professionals or paraprofessionals consistent with the level
7 of risk. Procedures for developing and using the screening
8 instrument, notification, referral, and care coordination
9 services, reporting requirements, management information, and
10 maintenance of a computer-driven registry in the Office of
11 Vital Statistics which ensures privacy safeguards must be
12 consistent with the provisions and plans established under
13 chapter 411, Pub. L. No. 99-457, and this chapter. Procedures
14 established for reporting information and maintaining a
15 confidential registry must include a mechanism for a
16 centralized information depository at the state and county
17 levels. The department shall coordinate with existing risk
18 assessment systems and information registries. The department
19 must ensure, to the maximum extent possible, that the
20 screening information registry is integrated with the
21 department's automated data systems, including the Florida
22 On-line Recipient Integrated Data Access (FLORIDA) system.
23 Tests and screenings must be performed by the State Public
24 Health Laboratory, in coordination with Children's Medical
25 Services, at such times and in such manner as is prescribed by
26 the department after consultation with the Genetics and Infant
27 Screening Advisory Council and the State Coordinating Council
28 for School Readiness Programs.

29 (c) Release of screening results.--Notwithstanding any
30 other law to the contrary, the State Public Health Laboratory
31 may release, directly or through the Children's Medical

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1 Services program, the results of a newborn's hearing and
2 metabolic tests or screening to the newborn's primary care
3 physician.

4 (2) RULES.--After consultation with the Genetics and
5 Newborn Infant Screening Advisory Council, the department
6 shall adopt and enforce rules requiring that every newborn
7 ~~infant born~~ in this state shall, prior to becoming 1 week ~~2~~
8 ~~weeks~~ of age, be subjected to a test for phenylketonuria and,
9 at the appropriate age, be tested for such other metabolic
10 diseases and hereditary or congenital disorders as the
11 department may deem necessary from time to time. After
12 consultation with the State Coordinating Council for School
13 Readiness Programs, the department shall also adopt and
14 enforce rules requiring every newborn ~~infant born~~ in this
15 state to be screened for environmental risk factors that place
16 children and their families at risk for increased morbidity,
17 mortality, and other negative outcomes. The department shall
18 adopt such additional rules as are found necessary for the
19 administration of this section, including rules providing
20 definitions of terms, rules relating to the methods used and
21 time or times for testing as accepted medical practice
22 indicates, rules relating to charging and collecting fees for
23 screenings authorized by this section, rules for processing
24 requests and releasing test and screening results, and rules
25 requiring mandatory reporting of the results of tests and
26 screenings for these conditions to the department.

27 (3) DEPARTMENT OF HEALTH; POWERS AND DUTIES.--The
28 department shall administer and provide certain services to
29 implement the provisions of this section and shall:

30 (f) Promote the availability of genetic studies and
31 counseling in order that the parents, siblings, and affected

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1 ~~newborns~~ ~~infants~~ may benefit from available knowledge of the
2 condition.

3 (g) Have the authority to charge and collect fees for
4 screenings authorized in this section, as follows:

5 1. A fee of \$20 will be charged for each live birth,
6 as recorded by the Office of Vital Statistics, occurring in a
7 hospital licensed under part I of chapter 395 or a birth
8 center licensed under s. 383.305, up to 3,000 live births per
9 licensed hospital per year or over 60 births per birth center
10 per year. The department shall calculate the annual
11 assessment for each hospital and birth center, and this
12 assessment must be paid in equal amounts quarterly. Quarterly,
13 the department shall generate and mail to each hospital and
14 birth center a statement of the amount due.

15 2. As part of the department's legislative budget
16 request prepared pursuant to chapter 216, the department shall
17 submit a certification by the department's inspector general,
18 or the director of auditing within the inspector general's
19 office, of the annual costs of the uniform testing and
20 reporting procedures of the ~~newborn~~ ~~infant~~ screening program.
21 In certifying the annual costs, the department's inspector
22 general or the director of auditing within the inspector
23 general's office shall calculate the direct costs of the
24 uniform testing and reporting procedures, including applicable
25 administrative costs. Administrative costs shall be limited to
26 those department costs which are reasonably and directly
27 associated with the administration of the uniform testing and
28 reporting procedures of the ~~newborn~~ ~~infant~~ screening program.

29
30 All provisions of this subsection must be coordinated with the
31 provisions and plans established under this chapter, chapter

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1 411, and Pub. L. No. 99-457.

2 (5) ADVISORY COUNCIL.--There is established a Genetics
3 and Newborn Infant Screening Advisory Council made up of 15 ~~12~~
4 members appointed by the Secretary of Health. The council
5 shall be composed of two consumer members, three practicing
6 pediatricians, at least one of whom must be a pediatric
7 hematologist, one representative from each of the four medical
8 schools in the state, the Secretary of Health or his or her
9 designee, one representative from the Department of Health
10 representing Children's Medical Services, one representative
11 from the Florida Hospital Association, one individual with
12 experience in newborn screening programs, one individual
13 representing audiologists, and one representative from the
14 Developmental Disabilities Program Office of the Department of
15 Children and Family Services. All appointments shall be for a
16 term of 4 years. The chairperson of the council shall be
17 elected from the membership of the council and shall serve for
18 a period of 2 years. The council shall meet at least
19 semiannually or upon the call of the chairperson. The council
20 may establish ad hoc or temporary technical advisory groups to
21 assist the council with specific topics which come before the
22 council. Council members shall serve without pay. Pursuant to
23 the provisions of s. 112.061, the council members are entitled
24 to be reimbursed for per diem and travel expenses. It is the
25 purpose of the council to advise the department about:

26 (a) Conditions for which testing should be included
27 under the screening program and the genetics program.†

28 (b) Procedures for collection and transmission of
29 specimens and recording of results.† ~~and~~

30 (c) Methods whereby screening programs and genetics
31 services for children now provided or proposed to be offered

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1 in the state may be more effectively evaluated, coordinated,
2 and consolidated.

3 Section 27. Subsection (1) of section 383.402, Florida
4 Statutes, is amended to read:

5 383.402 Child abuse death review; State Child Abuse
6 Death Review Committee; local child abuse death review
7 committees.--

8 (1) It is the intent of the Legislature to establish a
9 statewide multidisciplinary, multiagency child abuse death
10 assessment and prevention system that consists of state and
11 local review committees. The state and local review committees
12 shall review the facts and circumstances of all deaths of
13 children from birth through age 18 which occur in this state
14 as the result of verified child abuse or neglect ~~and for whom~~
15 ~~at least one report of abuse or neglect was accepted by the~~
16 ~~central abuse hotline within the Department of Children and~~
17 ~~Family Services~~. The purpose of the review shall be to:

18 (a) Achieve a greater understanding of the causes and
19 contributing factors of deaths resulting from child abuse.

20 (b) Whenever possible, develop a communitywide
21 approach to address such cases and contributing factors.

22 (c) Identify any gaps, deficiencies, or problems in
23 the delivery of services to children and their families by
24 public and private agencies which may be related to deaths
25 that are the result of child abuse.

26 (d) Make and implement recommendations for changes in
27 law, rules, and policies, as well as develop practice
28 standards that support the safe and healthy development of
29 children and reduce preventable child abuse deaths.

30 Section 28. Subsection (2) of section 391.021, Florida
31 Statutes, is amended to read:

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1 391.021 Definitions.--When used in this act, unless
2 the context clearly indicates otherwise:

3 (2) "Children with special health care needs" means
4 those children younger than under age 21 years of age who have
5 chronic physical, developmental, behavioral, or emotional
6 conditions and who also require health care and related
7 services of a type or amount beyond that which is generally
8 required by children whose serious or chronic physical or
9 developmental conditions require extensive preventive and
10 maintenance care beyond that required by typically healthy
11 children. Health care utilization by these children exceeds
12 the statistically expected usage of the normal child adjusted
13 for chronological age. These children often need complex care
14 requiring multiple providers, rehabilitation services, and
15 specialized equipment in a number of different settings.

16 Section 29. Section 391.025, Florida Statutes, is
17 amended to read:

18 391.025 Applicability and scope.--

19 ~~(1) This act applies to health services provided to~~
20 ~~eligible individuals who are:~~

21 ~~(a)1. Enrolled in the Medicaid program;~~

22 ~~2. Enrolled in the Florida Kidcare program; and~~

23 ~~3. Uninsured or underinsured, provided that they meet~~
24 ~~the financial eligibility requirements established in this~~
25 ~~act, and to the extent that resources are appropriated for~~
26 ~~their care; or~~

27 ~~(b) Infants who receive an award of compensation under~~
28 ~~s. 766.31(1).~~

29 (1)(2) The Children's Medical Services program
30 consists of the following components:

31 (a) The newborn ~~infant metabolic~~ screening program

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1 established in s. 383.14.

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

4 (c) A federal or state program authorized by the
5 Legislature.

6 (d) The developmental evaluation and intervention
7 program, including the Florida Infants and Toddlers Early
8 Intervention Program.

9 (e) The Children's Medical Services network.

10 ~~(2)(3)~~ The Children's Medical Services program shall
11 not be deemed an insurer and is not subject to the licensing
12 requirements of the Florida Insurance Code or the rules
13 adopted thereunder, when providing services to children who
14 receive Medicaid benefits, other Medicaid-eligible children
15 with special health care needs, and children participating in
16 the Florida Kidcare program.

17 Section 30. Section 391.029, Florida Statutes, is
18 amended to read:

19 391.029 Program eligibility.--

20 (1) The department shall establish the medical
21 criteria to determine if an applicant for the Children's
22 Medical Services program is an eligible individual.

23 (2) The following individuals are financially eligible
24 to receive services through ~~for~~ the program:

25 (a) A high-risk pregnant female who is eligible for
26 Medicaid.

27 (b) Children ~~A child~~ with special health care needs
28 from birth to ~~age~~ 21 years of age who are ~~is~~ eligible for
29 Medicaid.

30 (c) Children ~~A child~~ with special health care needs
31 from birth to ~~age~~ 19 years of age who are ~~is~~ eligible for a

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1 program under Title XXI of the Social Security Act.

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

5 (a)(d) Children A child with special health care needs
 6 from birth to ~~age~~ 21 years of age whose family income is above
 7 the requirements for financial eligibility under Title XXI of
 8 the Social Security Act and whose projected annual cost of
 9 care adjusts the family income to Medicaid financial criteria.
 10 In cases where the family income is adjusted based on a
 11 projected annual cost of care, the family shall participate
 12 financially in the cost of care based on criteria established
 13 by the department.

14 (b)(e) Children A child with special health care needs
 15 from birth to 21 years of age, as provided defined in Title V
 16 of the Social Security Act ~~relating to children with special~~
 17 ~~health care needs.~~

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

24
 25 ~~The department may continue to serve certain children with~~
 26 ~~special health care needs who are 21 years of age or older and~~
 27 ~~who were receiving services from the program prior to April 1,~~
 28 ~~1998. Such children may be served by the department until~~
 29 ~~July 1, 2000.~~

30 (4)(3) The department shall determine the financial
 31 and medical eligibility of children for the program. The

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1 department shall also determine the financial ability of the
2 parents, or persons or other agencies having legal custody
3 over such individuals, to pay the costs of health services
4 under the program. The department may pay reasonable travel
5 expenses related to the determination of eligibility for or
6 the provision of health services.

7 ~~(5)(4)~~ Any child who has been provided with surgical
8 or medical care or treatment under this act prior to being
9 adopted shall continue to be eligible to be provided with such
10 care or treatment after his or her adoption, regardless of the
11 financial ability of the persons adopting the child.

12 Section 31. Subsection (4) is added to section
13 391.035, Florida Statutes, to read:

14 391.035 Provider qualifications.--

15 (4) Notwithstanding any other law, the department may
16 contract with health care providers licensed in another state
17 to provide health services to participants in the Children's
18 Medical Services program when necessary due to an emergency or
19 in order to provide specialty services or greater convenience
20 to the participants for receiving timely and effective health
21 care services. The department may adopt rules to administer
22 this subsection.

23 Section 32. Subsection (4) is added to section
24 391.055, Florida Statutes, to read:

25 391.055 Service delivery systems.--

26 (4) If a newborn has an abnormal screening result for
27 metabolic or other hereditary and congenital disorders which
28 is identified through the newborn screening program pursuant
29 to s. 383.14, the newborn shall be referred to the Children's
30 Medical Services program for additional testing, medical
31 management, early intervention services, or medical referral.

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1 Section 33. Section 391.302, Florida Statutes, is
2 amended to read:

3 391.302 Definitions.--As used in ss. 391.301-391.307,
4 the term:

5 (1) "Developmental intervention" means individualized
6 therapies and services needed to enhance both the infant's or
7 toddler's growth and development and family functioning.

8 ~~(2) "Hearing-impaired infant" means an infant who is~~
9 ~~born with or who has acquired prelingually a hearing loss so~~
10 ~~severe that, unaided, the infant cannot learn speech and~~
11 ~~language through normal means.~~

12 ~~(3) "High-risk hearing-impaired infant" means an~~
13 ~~infant who exhibits conditions and factors that include, but~~
14 ~~are not limited to, a family history of hearing impairment or~~
15 ~~anatomic malformation which place the infant at an increased~~
16 ~~risk for hearing impairment.~~

17 ~~(2)(4)~~ "Infant or toddler" means a child from birth
18 until the child's third birthday.

19 ~~(3)(5)~~ "In-hospital intervention services" means the
20 provision of assessments; the provision of individualized
21 services ~~therapies~~; monitoring and modifying the delivery of
22 medical interventions; and enhancing the environment for the
23 high-risk, developmentally disabled, or medically involved, ~~or~~
24 ~~hearing-impaired~~ infant or toddler in order to achieve optimum
25 growth and development.

26 ~~(4)(6)~~ "Parent support and training" means a range of
27 services to families of high-risk, developmentally disabled,
28 or medically involved, ~~or hearing-impaired~~ infants or
29 toddlers, including family counseling; financial planning;
30 agency referral; development of parent-to-parent support
31 groups; education concerning growth, development, and

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1 developmental intervention and objective measurable skills,
2 including abuse avoidance skills; training of parents to
3 advocate for their child; and bereavement counseling.

4 Section 34. Section 391.303, Florida Statutes, is
5 amended to read:

6 391.303 Program requirements.--

7 (1) Developmental evaluation and intervention services
8 shall be established at each hospital that provides Level II
9 or Level III neonatal intensive care services. Program
10 services shall be made available to an infant or toddler
11 identified as being at risk for developmental disabilities, or
12 identified as medically involved, who, along with his or her
13 family, would benefit from program services. Program services
14 shall be made available to infants or toddlers in a Level II
15 or Level III neonatal intensive care unit or in a pediatric
16 intensive care unit, ~~infants who are identified as being at~~
17 ~~high risk for hearing impairment or who are hearing-impaired,~~
18 or infants who have a metabolic or genetic disorder or a
19 condition identified through the newborn screening program.

20 The developmental evaluation and intervention programs are
21 subject to the availability of moneys and the limitations
22 established by the General Appropriations Act or chapter 216.
23 ~~Hearing screening,~~ Evaluation and referral services, and
24 initial developmental assessments services shall be provided
25 to each infant or toddler. Other program services may be
26 provided to an infant or toddler, and the family of the infant
27 or toddler, who do not meet the financial eligibility criteria
28 for the Children's Medical Services program based on the
29 availability of funding, including insurance and fees.

30 (2) Each developmental evaluation and intervention
31 program shall have a program director, a medical director, and

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1 necessary staff to carry out the program. The program director
2 shall establish and coordinate the developmental evaluation
3 and intervention program. The program shall include, but is
4 not limited to:

5 (a) In-hospital evaluation and intervention services,
6 parent support and training, and family support planning and
7 case management.

8 ~~(b) Screening and evaluation services to identify each~~
9 ~~infant at risk of hearing impairment, and a medical and~~
10 ~~educational followup and care management program for an infant~~
11 ~~who is identified as hearing impaired, with management~~
12 ~~beginning as soon after birth as practicable. The medical~~
13 ~~management program must include the genetic evaluation of an~~
14 ~~infant suspected to have genetically determined deafness and~~
15 ~~an evaluation of the relative risk.~~

16 ~~(b)(c)~~ Regularly held multidisciplinary team meetings
17 to develop and update the family support plan. In addition to
18 the family, a multidisciplinary team may include a physician,
19 physician assistant, psychologist, psychotherapist, educator,
20 social worker, nurse, physical or occupational therapist,
21 speech pathologist, developmental evaluation and intervention
22 program director, case manager, others who are involved with
23 the in-hospital and posthospital discharge care plan, and
24 anyone the family wishes to include as a member of the team.
25 The family support plan is a written plan that describes the
26 infant or toddler, the ~~therapies and~~ services the infant or
27 toddler and his or her family need, and the intended outcomes
28 of the services.

29 ~~(c)(d)~~ Discharge planning by the multidisciplinary
30 team, including referral and followup to primary medical care
31 and modification of the family support plan.

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1 ~~(d)(e)~~ Education and training for neonatal and
2 pediatric intensive care services staff, volunteers, and
3 others, as needed, in order to expand the services provided to
4 high-risk, developmentally disabled, or medically involved, ~~or~~
5 ~~hearing-impaired~~ infants and toddlers and their families.

6 ~~(e)(f)~~ Followup intervention services after hospital
7 discharge, to aid the family and the high-risk,
8 developmentally disabled, or medically involved, ~~or~~
9 ~~hearing-impaired~~ infant's or toddler's transition into the
10 community. Support services shall be coordinated at the
11 request of the family and within the context of the family
12 support plan.

13 ~~(f)(g)~~ Referral to and coordination of services with
14 community providers.

15 ~~(g)(h)~~ Educational materials about infant care, infant
16 growth and development, community resources, medical
17 conditions and treatments, and family advocacy. ~~Materials~~
18 ~~regarding hearing impairments shall be provided to each parent~~
19 ~~or guardian of a hearing-impaired infant or toddler.~~

20 ~~(h)(i)~~ Involvement of the parents and guardians of
21 each identified high-risk, developmentally disabled, or
22 medically involved, ~~or hearing-impaired~~ infant or toddler.

23 Section 35. Section 391.308, Florida Statutes, is
24 created to read:

25 391.308 Infants and Toddlers Early Intervention
26 Program.--The Department of Health may implement and
27 administer Part C of the federal Individuals with Disabilities
28 Education Act (IDEA).

29 (1) The department, jointly with the Department of
30 Education, shall annually prepare a grant application to the
31 United States Department of Education for funding early

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1 intervention services for infants and toddlers with
2 disabilities, from birth through 36 months of age, and their
3 families pursuant to Part C of the federal Individuals with
4 Disabilities Education Act.

5 (2) The department, jointly with the Department of
6 Education, shall include a reading initiative as an early
7 intervention service for infants and toddlers.

8 Section 36. Subsection (1) of section 395.003, Florida
9 Statutes, is amended to read:

10 395.003 Licensure; issuance, renewal, denial,
11 modification, suspension, and revocation.--

12 (1)(a) A No person may not shall establish, conduct,
13 or maintain a hospital, ambulatory surgical center, or mobile
14 surgical facility in this state without first obtaining a
15 license under this part.

16 (b)1. It is unlawful for a any person to use or
17 advertise to the public, in any way or by any medium
18 whatsoever, any facility as a "hospital," "ambulatory surgical
19 center," or "mobile surgical facility" unless such facility
20 has first secured a license under the provisions of this part.

21 2. ~~Nothing in~~ This part does not apply applies to
22 veterinary hospitals or to commercial business establishments
23 using the word "hospital," "ambulatory surgical center," or
24 "mobile surgical facility" as a part of a trade name if no
25 treatment of human beings is performed on the premises of such
26 establishments.

27 3. By December 31, 2004, the agency shall submit a
28 report to the President of the Senate and the Speaker of the
29 House of Representatives recommending whether it is in the
30 public interest to allow a hospital to license or operate an
31 emergency department located off the premises of the hospital.

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1 If the agency finds it to be in the public interest, the
2 report shall also recommend licensure criteria for such
3 medical facilities, including criteria related to quality of
4 care and, if deemed necessary, the elimination of the
5 possibility of confusion related to the service capabilities
6 of such facility in comparison to the service capabilities of
7 an emergency department located on the premises of the
8 hospital. Until July 1, 2005, additional emergency departments
9 located off the premises of licensed hospitals may not be
10 authorized by the agency.

11 Section 37. Present subsections (3) and (4) of section
12 395.1027, Florida Statutes, are redesignated as subsections
13 (4) and (5), respectively, and a new subsection (3) is added
14 to that section, to read:

15 395.1027 Regional poison control centers.--

16 (3) Upon request, a licensed facility shall release to
17 a regional poison control center any patient information that
18 is necessary for case management of poison cases.

19 Section 38. Section 395.404, Florida Statutes, is
20 amended to read:

21 395.404 Review of trauma registry data; report to
22 central registry; confidentiality and limited release.--

23 (1)(a) Each trauma center shall furnish, and, upon
24 request of the department, all acute care hospitals shall
25 furnish for department review, trauma registry data as
26 prescribed by rule of the department for the purpose of
27 monitoring patient outcome and ensuring compliance with the
28 standards of approval.

29 (b) Trauma registry data obtained pursuant to this
30 subsection are confidential and exempt from the provisions of
31 s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

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1 However, the department may provide such trauma registry data
2 to the person, trauma center, hospital, emergency medical
3 service provider, local or regional trauma agency, medical
4 examiner, or other entity from which the data were obtained.
5 The department may also use or provide trauma registry data
6 for purposes of research in accordance with the provisions of
7 chapter 405.

8 (2) Each trauma center, pediatric trauma referral
9 center, and acute care hospital shall report to the
10 department's brain and spinal cord injury central registry,
11 consistent with the procedures and timeframes of s. 381.74,
12 any person who has a moderate-to-severe brain or spinal cord
13 injury, and shall include in the report the name, age,
14 residence, and type of disability of the individual and any
15 additional information that the department finds necessary.
16 ~~Notwithstanding the provisions of s. 381.74, each trauma~~
17 ~~center and acute care hospital shall submit severe disability~~
18 ~~and head-injury registry data to the department as provided by~~
19 ~~rule. Each trauma center and acute care hospital shall~~
20 ~~continue to provide initial notification of persons who have~~
21 ~~severe disabilities and head injuries to the Department of~~
22 ~~Health within timeframes provided in chapter 413. Such initial~~
23 ~~notification shall be made in the manner prescribed by the~~
24 ~~Department of Health for the purpose of providing timely~~
25 ~~vocational rehabilitation services to the severely disabled or~~
26 ~~head-injured person.~~

27 ~~(3) Trauma registry data obtained pursuant to this~~
28 ~~section are confidential and exempt from the provisions of s.~~
29 ~~119.07(1) and s. 24(a), Art. I of the State Constitution.~~
30 ~~However, the department may provide such trauma registry data~~
31 ~~to the person, trauma center, pediatric trauma referral~~

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1 ~~center, hospital, emergency medical service provider, local or~~
2 ~~regional trauma agency, medical examiner, or other entity from~~
3 ~~which the data were obtained. The department may also use or~~
4 ~~provide trauma registry data for purposes of research in~~
5 ~~accordance with the provisions of chapter 405.~~

6 Section 39. Paragraph (h) is added to subsection (3)
7 of section 400.9905, Florida Statutes, to read:

8 400.9905 Definitions.--

9 (3) "Clinic" means an entity at which health care
10 services are provided to individuals and which tenders charges
11 for reimbursement for such services. For purposes of this
12 part, the term does not include and the licensure requirements
13 of this part do not apply to:

14 (h) Entities that provide only oncology or radiation
15 therapy services by physicians licensed under chapter 458 or
16 chapter 459.

17 Section 40. The amendment made by this act to section
18 400.9905(3), Florida Statutes, is intended to clarify the
19 legislative intent of this provision as it existed at the time
20 the provision initially took effect as section 456.0375(1)(b),
21 Florida Statutes, and section 400.9905(3)(h), Florida
22 Statutes, as created by this act, shall operate retroactively
23 to October 1, 2001.

24 Section 41. Section 401.211, Florida Statutes, is
25 amended to read:

26 401.211 Legislative intent.--The Legislature
27 recognizes that the systematic provision of emergency medical
28 services saves lives and reduces disability associated with
29 illness and injury. In addition, that system of care must be
30 equally capable of assessing, treating, and transporting
31 children, adults, and frail elderly persons. Further, it is

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1 the intent of the Legislature to encourage the development and
2 maintenance of emergency medical services because such
3 services are essential to the health and well-being of all
4 citizens of the state. The Legislature also recognizes that
5 the establishment of a comprehensive statewide
6 injury-prevention program supports state and community health
7 systems by further enhancing the total delivery system of
8 emergency medical services and reduces injuries for all
9 persons. The purpose of this part is to protect and enhance
10 the public health, welfare, and safety through the
11 establishment of an emergency medical services state plan, an
12 advisory council, a comprehensive statewide injury-prevention
13 program, minimum standards for emergency medical services
14 personnel, vehicles, services and medical direction, and the
15 establishment of a statewide inspection program created to
16 monitor the quality of patient care delivered by each licensed
17 service and appropriately certified personnel.

18 Section 42. Section 401.243, Florida Statutes, is
19 created to read:

20 401.243 Injury prevention.--The department shall
21 establish an injury-prevention program with responsibility for
22 the statewide coordination and expansion of injury-prevention
23 activities. The duties of the department under the program may
24 include, but are not limited to, data collection,
25 surveillance, education, and the promotion of interventions.

26 In addition, the department may:

27 (1) Provide communities, county health departments,
28 and other state agencies with expertise and guidance in injury
29 prevention.

30 (2) Seek, receive, and expend funds received from
31 grants, donations, or contributions from public or private

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1 sources for program purposes.

2 (3) Develop, and revise as necessary, a comprehensive
3 state plan for injury prevention.

4 (4) Adopt rules governing the implementation of grant
5 programs. The rules may include, but need not be limited to,
6 criteria regarding the application process, the selection of
7 grantees, the implementation of injury-prevention activities,
8 data collection, surveillance, education, and the promotion of
9 interventions.

10 Section 43. Section 401.27001, Florida Statutes, is
11 created to read:

12 401.27001 Background screening required for
13 certification.--

14 (1) An applicant for initial certification under s.
15 401.27 must submit information and a set of fingerprints to
16 the Department of Health on a form and according to procedures
17 specified by the department, along with payment in an amount
18 equal to the costs incurred by the Department of Health for a
19 statewide criminal history check and a national criminal
20 history check of the applicant.

21 (2) An applicant for initial renewal of certification
22 on or after July 1, 2004, who has not previously submitted a
23 set of fingerprints to the Department of Health must submit
24 information required to perform a statewide criminal
25 background check and a set of fingerprints required to perform
26 a national criminal history check. The applicant must submit
27 the fingerprints on a form and under procedures specified by
28 the department for a national criminal history check, along
29 with payment in an amount equal to the costs incurred by the
30 department. For subsequent renewals, the department shall, by
31 rule, adopt an application form that includes an oath or

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1 affirmation attesting to the existence of any criminal
2 convictions, regardless of plea or adjudication, which have
3 occurred since the previous certification. If there has been a
4 criminal conviction, the provisions of this section apply. The
5 department shall notify each current certificateholder of the
6 requirement to undergo a criminal history background screening
7 sufficiently in advance of the 2004 biennial expiration for
8 the certificateholder to provide the required information
9 prior to submission of the renewal certification application.
10 The department may not deny eligibility for renewal of the
11 first renewal application subsequent to July 1, 2004, due to a
12 delay in obtaining the criminal history from the Department of
13 Law Enforcement, the Federal Bureau of Investigation, or the
14 Division of State Fire Marshal if the applicant has submitted
15 the required criminal background screening information or
16 affidavit and fees with the renewal certification application.
17 A certificate that expires on December 1, 2004, may be renewed
18 subject to withdrawal of certification pending the
19 department's determination of whether the certificateholder
20 will be granted an exemption as provided in subsection (8).
21 The applicant must make timely application for renewal and
22 request the exemption from denial prior to expiration of the
23 certificate.

24 (3) Pursuant to the requirements of s. 120.60, an
25 application for certification must be processed within 90 days
26 after receipt of the completed application. An application for
27 certification is not complete until the criminal history and
28 certified copies of all court documents for an applicant
29 having a prior criminal conviction, pursuant to this section,
30 have been received by the department.

31 (4) The department shall submit the fingerprints and

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1 information required for a statewide criminal history check to
2 the Department of Law Enforcement, and the Department of Law
3 Enforcement shall forward the fingerprints to the Federal
4 Bureau of Investigation for a national criminal history check
5 of the applicant.

6 (5) If an applicant has undergone a criminal history
7 check as a condition of employment or certification as a
8 firefighter under s. 633.34, the Division of State Fire
9 Marshal of the Department of Financial Services shall provide
10 the criminal history information regarding the applicant
11 seeking certification or renewal of certification under s.
12 401.27 to the department. Any applicant for initial
13 certification or renewal of certification who has already
14 submitted a set of fingerprints and information to the
15 Division of State Fire Marshal of the Department of Financial
16 Services for the criminal history check required for
17 employment and certification of firefighters under s. 633.34
18 within 2 years prior to application under s. 401.27 is not
19 required to provide to the department a subsequent set of
20 fingerprints or other duplicate information required for a
21 criminal history check if the applicant submits an affidavit
22 in a form prescribed by the department attesting that he or
23 she has been a state resident for the previous 2 years.

24 (6) Notwithstanding the grounds for certification
25 denial outlined in s. 401.411, an applicant must not have been
26 found guilty of, regardless of plea or adjudication, any
27 offense prohibited under any of the following provisions of
28 the Florida Statutes or under any similar statute of another
29 jurisdiction:

30 (a) Section 415.111, relating to abuse, neglect, or
31 exploitation of a vulnerable adult.

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- 1 (b) Section 782.04, relating to murder.
- 2 (c) Section 782.07, relating to manslaughter,
- 3 aggravated manslaughter of an elderly person or disabled
- 4 adult, or aggravated manslaughter of a child.
- 5 (d) Section 782.071, relating to vehicular homicide.
- 6 (e) Section 782.09, relating to killing of an unborn
- 7 child by injury to the mother.
- 8 (f) Section 784.011, relating to assault, if the
- 9 victim of the offense was a minor.
- 10 (g) Section 784.021, relating to aggravated assault.
- 11 (h) Section 784.03, relating to battery, if the victim
- 12 of the offense was a minor.
- 13 (i) Section 784.045, relating to aggravated battery.
- 14 (j) Section 784.01, relating to kidnapping.
- 15 (k) Section 787.02, relating to false imprisonment.
- 16 (l) Section 794.011, relating to sexual battery.
- 17 (m) Former s. 794.041, relating to prohibited acts of
- 18 persons in familial or custodial authority.
- 19 (n) Chapter 796, relating to prostitution.
- 20 (o) Section 798.02, relating to lewd and lascivious
- 21 behavior.
- 22 (p) Chapter 800, relating to lewdness and indecent
- 23 exposure.
- 24 (q) Section 806.01, relating to arson.
- 25 (r) Chapter 812, relating to theft, robbery, and
- 26 related crimes, if the offense was a felony.
- 27 (s) Section 817.563, relating to the fraudulent sale
- 28 of controlled substances, if the offense was a felony.
- 29 (t) Section 825.102, relating to abuse, aggravated
- 30 abuse, or neglect of an elderly person or disabled adult.
- 31 (u) Section 825.1025, relating to lewd or lascivious

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1 offenses committed upon or in the presence of an elderly
2 person or disabled adult.

3 (v) Section 825.103, relating to exploitation of an
4 elderly person or disabled adult, if the offense was a felony.

5 (w) Section 826.04, relating to incest.

6 (x) Section 827.03, relating to child abuse,
7 aggravated child abuse, or neglect of a child.

8 (y) Section 827.04, relating to contributing to the
9 delinquency or dependency of a child.

10 (z) Former s. 827.05, relating to negligent treatment
11 of children.

12 (aa) Section 827.071, relating to sexual performance
13 by a child.

14 (bb) Chapter 847, relating to obscene literature.

15 (cc) Chapter 893, relating to drug abuse prevention
16 and control, if the offense was a felony or if any other
17 person involved in the offense was a minor.

18 (dd) An act that constitutes domestic violence, as
19 defined in s. 741.28.

20 (7) The department may grant to any applicant who
21 would otherwise be denied certification or recertification
22 under this subsection an exemption from that denial for:

23 (a) A felony committed more than 3 years prior to the
24 date of disqualification;

25 (b) A misdemeanor prohibited under any of the Florida
26 Statutes cited in this subsection or under similar statutes of
27 other jurisdictions;

28 (c) An offense that was a felony when committed but
29 that is currently a misdemeanor;

30 (d) A finding of delinquency; or

31 (e) The commission of an act of domestic violence as

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1 defined in s. 741.28.

2 (8) For the department to grant an exemption to any
3 applicant under this section, the applicant must demonstrate
4 by clear and convincing evidence that the applicant should not
5 be disqualified from certification or renewed certification.
6 An applicant seeking an exemption has the burden of setting
7 forth sufficient evidence of rehabilitation, including, but
8 not limited to, the circumstances surrounding the criminal
9 incident for which an exemption is sought, the time period
10 that has elapsed since the incident, the nature of the harm
11 caused to the victim, and the history of the applicant since
12 the incident, or any other evidence or circumstances
13 indicating that the applicant will not present a danger if the
14 certification or renewed certification is granted. To make the
15 necessary demonstration, the applicant must request an
16 exemption and submit the required information supporting that
17 request at the time of application in order for the department
18 to make a determination in accordance with this section.

19 (9) Denial of certification or renewed certification
20 under subsection (6) may not be removed from, and an exemption
21 may not be granted to, any applicant who is found guilty of,
22 regardless of plea or adjudication, any felony covered by
23 subsection (6), solely by reason of a pardon, executive
24 clemency, or restoration of civil rights.

25 (10) The department shall adopt rules pursuant to
26 chapter 120 to administer this section.

27 Section 44. Subsection (4) of section 404.056, Florida
28 Statutes, is amended to read:

29 404.056 Environmental radiation standards and
30 projects; certification of persons performing measurement or
31 mitigation services; mandatory testing; notification on real

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1 estate documents; rules.--
 2 (4) MANDATORY TESTING.--All public and private school
 3 buildings or school sites housing students in kindergarten
 4 through grade 12; all state-owned, state-operated,
 5 state-regulated, or state-licensed 24-hour care facilities;
 6 and all state-licensed day care centers for children or minors
 7 which are located in counties designated within the Department
 8 of Community Affairs' Florida Radon Protection Map Categories
 9 as "Intermediate" or "Elevated Radon Potential" shall be
 10 measured to determine the level of indoor radon, using
 11 measurement procedures established by the department. Initial
 12 measurements ~~Testing~~ shall be conducted ~~completed~~ within the
 13 ~~first year of construction~~ in 20 percent of the habitable
 14 first floor spaces within any of the regulated buildings ~~and-~~
 15 ~~initial measurements~~ shall be completed and reported to the
 16 department within 1 ~~by July 1 of the~~ year after the date the
 17 building is opened for occupancy or within 1 year after
 18 license approval for the entity residing in the existing
 19 building. Followup testing must be completed in 5 percent of
 20 the habitable first floor spaces within any of the regulated
 21 buildings after the building has been occupied for 5 years,
 22 and results must be reported to the department by the first
 23 day ~~July 1~~ of the 6th ~~5th~~ year of occupancy. After radon
 24 measurements have been made twice, regulated buildings need
 25 not undergo further testing unless significant structural
 26 changes occur. No funds collected pursuant to s. 553.721 shall
 27 be used to carry out the provisions of this subsection.

28 Section 45. Subsection (5) of section 409.814, Florida
 29 Statutes, is amended to read:

30 409.814 Eligibility.--A child whose family income is
 31 equal to or below 200 percent of the federal poverty level is

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1 eligible for the Florida Kidcare program as provided in this
2 section. In determining the eligibility of such a child, an
3 assets test is not required. An applicant under 19 years of
4 age who, based on a complete application, appears to be
5 eligible for the Medicaid component of the Florida Kidcare
6 program is presumed eligible for coverage under Medicaid,
7 subject to federal rules. A child who has been deemed
8 presumptively eligible for Medicaid shall not be enrolled in a
9 managed care plan until the child's full eligibility
10 determination for Medicaid has been completed. The Florida
11 Healthy Kids Corporation may, subject to compliance with
12 applicable requirements of the Agency for Health Care
13 Administration and the Department of Children and Family
14 Services, be designated as an entity to conduct presumptive
15 eligibility determinations. An applicant under 19 years of age
16 who, based on a complete application, appears to be eligible
17 for the Medikids, Florida Healthy Kids, or Children's Medical
18 Services network program component, who is screened as
19 ineligible for Medicaid and prior to the monthly verification
20 of the applicant's enrollment in Medicaid or of eligibility
21 for coverage under the state employee health benefit plan, may
22 be enrolled in and begin receiving coverage from the
23 appropriate program component on the first day of the month
24 following the receipt of a completed application. For
25 enrollment in the Children's Medical Services network, a
26 complete application includes the medical or behavioral health
27 screening. If, after verification, an individual is determined
28 to be ineligible for coverage, he or she must be disenrolled
29 from the respective Title XXI-funded Kidcare program
30 component.

31 (5) A child whose family income is above 200 percent

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1 of the federal poverty level or a child who is excluded under
2 the provisions of subsection (4) may participate in the
3 Florida Healthy Kids program or the Medikids ~~Kidcare~~ program,
4 excluding the Medicaid program, ~~but is~~ subject to the
5 following provisions:

6 (a) The family is not eligible for premium assistance
7 payments and must pay the full cost of the premium, including
8 any administrative costs.

9 (b) The agency is authorized to place limits on
10 enrollment in Medikids by these children in order to avoid
11 adverse selection. The number of children participating in
12 Medikids whose family income exceeds 200 percent of the
13 federal poverty level must not exceed 10 percent of total
14 enrollees in the Medikids program.

15 (c) The board of directors of the Florida Healthy Kids
16 Corporation is authorized to place limits on enrollment of
17 these children in order to avoid adverse selection. In
18 addition, the board is authorized to offer a reduced benefit
19 package to these children in order to limit program costs for
20 such families. The number of children participating in the
21 Florida Healthy Kids program whose family income exceeds 200
22 percent of the federal poverty level must not exceed 10
23 percent of total enrollees in the Florida Healthy Kids
24 program.

25 (d) Children described in this subsection are not
26 counted in the annual enrollment ceiling for the Florida
27 Kidcare program.

28 Section 46. Subsection (7) of section 456.025, Florida
29 Statutes, is amended to read:

30 456.025 Fees; receipts; disposition.--

31 (7) Each board, or the department if there is no

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1 board, shall establish, by rule, a fee not to exceed \$250 for
2 anyone seeking approval to provide continuing education
3 courses or programs and shall establish by rule a biennial
4 renewal fee not to exceed \$250 for the renewal of providership
5 of such courses. The fees collected from continuing education
6 providers shall be used for the purposes of reviewing course
7 provider applications, monitoring the integrity of the courses
8 provided, and covering legal expenses incurred as a result of
9 not granting or renewing a providership, ~~and developing and~~
10 ~~maintaining an electronic continuing education tracking~~
11 ~~system. The department shall implement an electronic~~
12 ~~continuing education tracking system for each new biennial~~
13 ~~renewal cycle for which electronic renewals are implemented~~
14 ~~after the effective date of this act and shall integrate such~~
15 ~~system into the licensure and renewal system. All approved~~
16 ~~continuing education providers shall provide information on~~
17 ~~course attendance to the department necessary to implement the~~
18 ~~electronic tracking system. The department shall, by rule,~~
19 ~~specify the form and procedures by which the information is to~~
20 ~~be submitted.~~

21 Section 47. Section 456.0251, Florida Statutes, is
22 created to read:

23 456.0251 Continuing education.--

24 (1) Unless otherwise provided in a profession's
25 practice act, each board, or the department if there is no
26 board, shall establish by rule procedures for approval of
27 continuing education providers and continuing education
28 courses for renewal of licenses. Except for those continuing
29 education courses whose subjects are prescribed by law, each
30 board, or the department if there is no board, may limit by
31 rule the subject matter for approved continuing education

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1 courses to courses addressing the scope of practice of each
2 respective health care profession.

3 (2) Licensees who have not completed all of the
4 continuing education credits required for licensure during a
5 biennium may obtain an extension of 3 months from the date
6 after the end of the license renewal biennium within which to
7 complete the requisite hours for license renewal. Each board,
8 or the department if there is no board, shall establish by
9 rule procedures for requesting a 3-month extension and whether
10 proof of completion of some approved hours of continuing
11 education are required to be submitted with the request for
12 extension as a prerequisite for granting the request.

13 (3) Failure to complete the requisite number of hours
14 of continuing education hours within a license renewal
15 biennium or within a 3 month period from the date after the
16 end of the license renewal biennium, if requested, shall be
17 grounds for issuance of a citation and a fine, plus a
18 requirement that at least the deficit hours are completed
19 within a time established by rule of each board, or the
20 department if there is no board. Each board, or the department
21 if there is no board, shall establish by rule a fine for each
22 continuing education hour which was not completed within the
23 license renewal biennium or the 3-month period following the
24 last day of the biennium if so requested, not to exceed \$500
25 per each hour not completed. The issuance of the citation and
26 fine shall not be considered discipline. A citation and a fine
27 issued under this subsection may only be issued to a licensee
28 a maximum of two times for two separate failures to complete
29 the requisite number of hours for license renewal.

30 (4) The department shall report to each board no later
31 than 3 months following the last day of the license renewal

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1 biennium the percentage of licensees regulated by that board
2 who have not timely complied with the continuing education
3 requirements during the previous license renewal biennium for
4 which auditing of licensees regulated by that board are
5 completed. Each board shall direct the department the
6 percentage of licensees regulated by that board that are to be
7 audited during the next license renewal biennium. In addition
8 to the percentage of licensees audited as directed by the
9 boards, the department shall audit those licensees found to be
10 deficient during any of the two license renewal bienniums.

11 Section 48. Paragraph (ff) is added to subsection (1)
12 of section 456.072, Florida Statutes, to read:

13 456.072 Grounds for discipline; penalties;
14 enforcement.--

15 (1) The following acts shall constitute grounds for
16 which the disciplinary actions specified in subsection (2) may
17 be taken:

18 (ff) Failure for a third or more times to complete the
19 requisite number of hours of continuing education hours within
20 a license renewal biennium period or within a 3-month period
21 from the date after the end of the license renewal biennium,
22 if the extension was requested.

23 Section 49. Subsection (1) and paragraph (g) of
24 subsection (3) of section 468.302, Florida Statutes, are
25 amended to read:

26 468.302 Use of radiation; identification of certified
27 persons; limitations; exceptions.--

28 (1) Except as ~~hereinafter~~ provided in this section, a
29 no person may not shall use radiation or otherwise practice
30 radiologic technology on a human being unless he or she:

31 (a) Is a licensed practitioner; or

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1 (b) Is the holder of a certificate, as provided in
 2 this part, and is operating under the direct supervision or
 3 general supervision of a licensed practitioner in each
 4 particular case.

5 (3)

6 (g)1. A person holding a certificate as a nuclear
 7 medicine technologist may only:

8 a. Conduct in vivo and in vitro measurements of
 9 radioactivity and administer radiopharmaceuticals to human
 10 beings for diagnostic and therapeutic purposes.

11 b. Administer X radiation from a combination nuclear
 12 medicine-computed tomography device if that radiation is
 13 administered as an integral part of a nuclear medicine
 14 procedure that uses an automated computed tomography protocol
 15 for the purposes of attenuation correction and anatomical
 16 localization and the person has received device-specific
 17 training on the combination device. However,

18 2. The authority of a nuclear medicine technologist
 19 under this paragraph excludes:

20 a. Radioimmunoassay and other clinical laboratory
 21 testing regulated pursuant to chapter 483;i-

22 b. Creating or modifying automated computed tomography
 23 protocols; and

24 c. Any other operation of a computed tomography
 25 device, especially for the purposes of stand-alone diagnostic
 26 imaging, which must be performed by a general radiographer
 27 certified under this part.

28 Section 50. Section 468.304, Florida Statutes, is
 29 amended to read:

30 468.304 Certification ~~examination; admission.~~--The
 31 department shall certify ~~admit to examination for~~

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1 ~~certification any applicant who meets the following criteria~~
2 ~~pays to the department a nonrefundable fee not to exceed \$100~~
3 ~~plus the actual per-applicant cost to the department for~~
4 ~~purchasing the examination from a national organization and~~
5 ~~submits satisfactory evidence, verified by oath or~~
6 ~~affirmation, that she or he:~~

7 (1) Pays to the department a nonrefundable fee that
8 may not exceed \$100, plus the actual per-applicant cost to the
9 department for purchasing the examination from a national
10 organization.

11 (2) Submits a completed application on a form
12 specified by the department. An incomplete application expires
13 6 months after initial filing. The application must include
14 the social security number of the applicant. Each applicant
15 shall notify the department in writing of his or her current
16 mailing address. Notwithstanding any other law, service by
17 regular mail to an applicant's last reported mailing address
18 constitutes adequate and sufficient notice of any official
19 departmental communication to the applicant.

20 (3) Submits satisfactory evidence, verified by oath or
21 affirmation, that she or he:

22 (a)(1) Is at least 18 years of age at the time of
23 application;

24 (b)(2) Is a high school, vocational school, technical
25 school, or college graduate or has successfully completed the
26 requirements for a graduate equivalency diploma (GED) or its
27 equivalent;

28 (c)(3) Is of good moral character; and

29 (d) Has passed an examination as specified in s.
30 468.306 or meets the requirements specified in s. 468.3065;

31 and

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1 ~~(e)1.(4)(a)~~ Has successfully completed an educational
2 program, which program may be established in a hospital
3 licensed pursuant to chapter 395 or in an accredited
4 postsecondary academic institution which is subject to
5 approval by the department as maintaining a satisfactory
6 standard; or

7 ~~2.a.(b)1.~~ With respect to an applicant for a basic
8 X-ray machine operator's certificate, has completed a course
9 of study approved by the department with appropriate study
10 material provided the applicant by the department;

11 ~~b.2.~~ With respect to an applicant for a basic X-ray
12 machine operator-podiatric medicine certificate, has completed
13 a course of study approved by the department, provided that
14 such course of study shall be limited to that information
15 necessary to perform radiographic procedures within the scope
16 of practice of a podiatric physician licensed pursuant to
17 chapter 461;

18 ~~c.3.~~ With respect only to an applicant for a general
19 radiographer's certificate who is a basic X-ray machine
20 operator certificateholder, has completed an educational
21 program or a 2-year training program that takes into account
22 the types of procedures and level of supervision usually and
23 customarily practiced in a hospital, which educational or
24 training program complies with the rules of the department; or

25 ~~d.4.~~ With respect only to an applicant for a nuclear
26 medicine technologist's certificate who is a general
27 radiographer certificateholder, has completed an educational
28 program or a 2-year training program that takes into account
29 the types of procedures and level of supervision usually and
30 customarily practiced in a hospital, which educational or
31 training program complies with the rules of the department.

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1 (4) Submits complete documentation of any criminal
2 offense in any jurisdiction of which the applicant has been
3 found guilty, regardless of whether adjudication of guilt was
4 withheld, or to which the applicant has pled guilty or nolo
5 contendere.

6 (5) Submits complete documentation of any final
7 disciplinary action taken against the applicant by a licensing
8 or regulatory body in any jurisdiction, by a national
9 organization, or by a specialty board that is recognized by
10 the department. Disciplinary action includes revocation,
11 suspension, probation, reprimand, or being otherwise acted
12 against, including being denied certification or resigning
13 from or nonrenewal of membership taken in lieu of or in
14 settlement of a pending disciplinary case.

15
16 The department may not certify any applicant who has committed
17 an offense that would constitute a violation of any of the
18 provisions of s. 468.3101 or the rules adopted thereunder if
19 the applicant had been certified by the department at the time
20 of the offense. No application for a limited computed
21 tomography certificate shall be accepted. All persons holding
22 valid computed tomography certificates as of October 1, 1984,
23 are subject to the provisions of s. 468.309.

24 Section 51. Section 468.306, Florida Statutes, is
25 amended to read:

26 468.306 Examinations.--All applicants, except those
27 certified pursuant to s. 468.3065, shall be required to pass
28 an examination. The department is authorized to develop or
29 use examinations for each type of certificate. The department
30 may require an applicant who does not pass an examination
31 after five attempts to complete additional remedial education,

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1 as specified by rule of the department, before admitting the
2 applicant to subsequent examinations.

3 (1) The department shall have the authority to
4 contract with organizations that develop such test
5 examinations. Examinations may be administered by the
6 department or the contracting organization.

7 (2) Examinations shall be given for each type of
8 certificate at least twice a year at such times and places as
9 the department may determine to be advantageous for
10 applicants. ~~If an applicant applies less than 75 days before~~
11 ~~an examination, the department may schedule the applicant for~~
12 ~~a later examination.~~

13 (3) All examinations shall be written and include
14 positioning, technique, and radiation protection. The
15 department shall either pass or fail each applicant on the
16 basis of his or her final grade. The examination for a basic
17 X-ray machine operator shall include basic positioning and
18 basic techniques directly related to the skills necessary to
19 safely operate radiographic equipment.

20 (4) A nonrefundable fee not to exceed \$75 plus the
21 actual per-applicant cost for purchasing the examination from
22 a national organization shall be charged for any subsequent
23 examination.

24 Section 52. Section 468.3065, Florida Statutes, is
25 amended to read:

26 468.3065 Certification by endorsement.--The department
27 may issue a certificate by endorsement to practice radiologic
28 technology to an applicant who, upon applying to the
29 department and remitting a nonrefundable fee not to exceed
30 \$50, demonstrates to the department that he or she holds a
31 current certificate, license, or registration to practice

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1 radiologic technology, provided that the requirements for such
2 certificate, license, or registration are deemed by the
3 department to be substantially equivalent to those established
4 under this part and rules adopted under this part ~~hereunder~~.

5 Section 53. Subsection (1) of section 468.307, Florida
6 Statutes, is amended to read:

7 468.307 Certificate; issuance; display.--

8 (1) The department shall issue a certificate to each
9 candidate who has met the requirements of ss. 468.304 and
10 468.306 or has qualified under s. 468.3065. The department may
11 by rule establish a subcategory of a certificate issued under
12 this part limiting the certificateholder to a specific
13 procedure or specific type of equipment. The first regular
14 certificate issued to a new certificateholder expires on the
15 last day of the certificateholder's birth month and shall be
16 valid for at least 12 months but no more than 24 months.
17 However, if the new certificateholder already holds a regular,
18 active certificate in a different category under this part,
19 the new certificate shall be combined with and expire on the
20 same date as the existing certificate.

21 Section 54. Section 468.309, Florida Statutes, is
22 amended to read:

23 468.309 Certificate; duration; renewal; reversion to
24 inactive status; members of Armed Forces and spouses.--

25 (1)(a) A radiologic technologist's certificate issued
26 in accordance with this part expires as specified in rules
27 adopted by the department which establish a procedure for the
28 biennial renewal of certificates. A certificate shall be
29 renewed by the department for a period of 2 years upon payment
30 of a renewal fee in an amount not to exceed \$75 and upon
31 submission of a renewal application containing such

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1 information as the department deems necessary to show that the
2 applicant for renewal is a radiologic technologist in good
3 standing and has completed any continuing education
4 requirements that the department establishes.

5 (b) Sixty days before the end of the biennium, the
6 department shall mail a notice of renewal to the last known
7 address of the certificateholder.

8 (c) Each certificateholder shall notify the department
9 in writing of his or her current mailing address and place of
10 practice. Notwithstanding any other law, service by regular
11 mail to a certificateholder's last reported mailing address
12 constitutes adequate and sufficient notice of any official
13 departmental communication to the certificateholder.

14 (2) The department shall adopt rules establishing a
15 procedure for the biennial renewal of certificates.

16 (3) The department may, by rule, prescribe continuing
17 education requirements, not to exceed 24 hours each licensure
18 period, as a condition for renewal of a certificate. The
19 criteria for approval of continuing education providers,
20 courses, and programs shall be as specified ~~approved~~ by the
21 department. Continuing education, which may be required for
22 persons certified under this part, may be obtained through
23 home study courses approved by the department.

24 (4) Any certificate ~~that which~~ is not renewed by its
25 expiration date at the end of the biennium prescribed by the
26 department shall automatically be placed in an expired status,
27 and the certificateholder may not practice radiologic
28 technology until the certificate has been reactivated ~~revert~~
29 ~~to an inactive status. Such certificate may be reactivated~~
30 ~~only if the certificateholder meets the other qualifications~~
31 ~~for reactivation in s. 468.3095.~~

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1 (5) A certificateholder in good standing remains in
2 good standing when he or she becomes a member of the Armed
3 Forces of the United States on active duty without paying
4 renewal fees or accruing continuing education credits as long
5 as he or she is a member of the Armed Forces on active duty
6 and for a period of 6 months after discharge from active duty,
7 if he or she is not engaged in practicing radiologic
8 technology in the private sector for profit. The
9 certificateholder must pay a renewal fee and complete
10 continuing education not to exceed 12 classroom hours to renew
11 the certificate.

12 (6) A certificateholder who is in good standing
13 remains in good standing if he or she is absent from the state
14 because of his or her spouse's active duty with the Armed
15 Forces of the United States. The certificateholder remains in
16 good standing without paying renewal fees or completing
17 continuing education as long as his or her spouse is a member
18 of the Armed Forces on active duty and for a period of 6
19 months after the spouse's discharge from active duty, if the
20 certificateholder is not engaged in practicing radiologic
21 technology in the private sector for profit. The
22 certificateholder must pay a renewal fee and complete
23 continuing education not to exceed 12 classroom hours to renew
24 the certificate.

25 (7) A certificateholder may resign his or her
26 certification by submitting to the department a written,
27 notarized resignation on a form specified by the department.
28 The resignation automatically becomes effective upon the
29 department's receipt of the resignation form, at which time
30 the certificateholder's certification automatically becomes
31 null and void and may not be reactivated or renewed or used to

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1 practice radiologic technology. A certificateholder who has
2 resigned may become certified again only by reapplying to the
3 department for certification as a new applicant and meeting
4 the certification requirements pursuant to s. 468.304 or s.
5 468.3065. Any disciplinary action that had been imposed on the
6 certificateholder prior to his or her resignation shall be
7 tolled until he or she again becomes certified. Any
8 disciplinary action proposed at the time of the
9 certificateholder's resignation shall be tolled until he or
10 she again becomes certified.

11 Section 55. Subsection (2) of section 468.3095,
12 Florida Statutes, is amended to read:

13 468.3095 Inactive status; reactivation; automatic
14 suspension; reinstatement.--

15 (2)(a) A certificate ~~that which~~ has been expired
16 inactive for less than 10 years ~~1 year after the end of the~~
17 ~~biennium prescribed by the department~~ may be reactivated
18 ~~renewed pursuant to s. 468.309~~ upon payment of the biennial
19 renewal fee and a late renewal fee, not to exceed \$100, and
20 submission of a reactivation application containing any
21 information that the department deems necessary to show that
22 the applicant is a radiologic technologist in good standing
23 and has met the requirements for continuing education. The
24 ~~renewed certificate shall expire 2 years after the date the~~
25 ~~certificate automatically reverted to inactive status.~~

26 ~~(b) A certificate which has been inactive for more~~
27 ~~than 1 year may be reactivated upon application to the~~
28 ~~department.~~ The department shall prescribe, by rule,
29 continuing education requirements as a condition of
30 reactivating a certificate. The continuing education
31 requirements for reactivating a certificate may ~~shall~~ not

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1 exceed 10 classroom hours for each year the certificate was
2 ~~expired inactive and may not shall in no event~~ exceed 100
3 classroom hours for all years in which the certificate was
4 ~~expired inactive.~~

5 (b) A certificate that has been inactive for less than
6 10 years may be reactivated by meeting all of the requirements
7 of paragraph (a) for expired certificates, except for payment
8 of the fee for late renewal.

9 (c) A certificate ~~that which~~ has been inactive for
10 ~~more than 10 years or more shall~~ automatically becomes null
11 and void and may not be reactivated, renewed, or used to
12 practice radiologic technology be suspended. A
13 certificateholder whose certificate has become null and void
14 may become certified again only by reapplying to the
15 department as a new applicant and meeting the requirements of
16 s. 468.304 or s. 468.3065.

17 (d) When an expired or inactive certificate is
18 reactivated, the reactivated certificate expires on the last
19 day of the certificateholder's birth month and shall be valid
20 for at least 12 months but no more than 24 months. However, if
21 the reactivating certificateholder already holds a regular,
22 active certificate in a different category under this part,
23 the reactivated certificate shall be combined with and expire
24 on the same date as the existing certificate. One year before
25 the suspension, the department shall give notice to the
26 certificateholder. A suspended certificate may be reinstated
27 as provided for original issuance in s. 468.307.

28 Section 56. Subsection (1) of section 468.3101,
29 Florida Statutes, is amended, and subsections (5) and (6) are
30 added to that section, to read:

31 468.3101 Disciplinary grounds and actions.--

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1 (1) The department may make or require to be made any
2 investigations, inspections, evaluations, and tests, and
3 require the submission of any documents and statements, which
4 it considers necessary to determine whether a violation of
5 this part has occurred. The following acts shall be grounds
6 for disciplinary action as set forth in this section:

7 (a) Procuring, attempting to procure, or renewing a
8 certificate to practice radiologic technology by bribery, by
9 fraudulent misrepresentation, or through an error of the
10 department.

11 (b) Having a voluntary or mandatory certificate to
12 practice radiologic technology revoked, suspended, or
13 otherwise acted against, including being denied certification,
14 by a national organization; by a specialty board recognized by
15 the department; or by a ~~the~~ certification authority of another
16 state, territory, or country.

17 (c) Being convicted or found guilty, regardless of
18 adjudication, in any jurisdiction of a crime that which
19 directly relates to the practice of radiologic technology or
20 to the ability to practice radiologic technology. Pleading A
21 ~~plea of~~ nolo contendere shall be considered a conviction for
22 the purpose of this provision.

23 (d) Being convicted or found guilty, regardless of
24 adjudication, in any jurisdiction of a crime against a person.
25 Pleading A ~~plea of~~ nolo contendere shall be considered a
26 conviction for the purposes of this provision.

27 (e) Making or filing a false report or record that
28 ~~which~~ the certificateholder knows to be false, intentionally
29 or negligently failing to file a report or record required by
30 state or federal law, or willfully impeding or obstructing
31 such filing or inducing another to do so. Such reports or

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1 records include only those reports or records which are signed
2 in the capacity as a radiologic technologist.

3 (f) Engaging in unprofessional conduct, which
4 includes, but is not limited to, any departure from, or the
5 failure to conform to, the standards of practice of radiologic
6 technology as established by the department, in which case
7 actual injury need not be established.

8 (g) Being unable to practice radiologic technology
9 with reasonable skill and safety to patients by reason of
10 illness; ~~drunkenness~~; or use of alcohol, drugs, narcotics,
11 chemicals, or other materials or as a result of any mental or
12 physical condition. A radiologic technologist affected under
13 this paragraph shall, at reasonable intervals, be afforded an
14 opportunity to demonstrate that he or she can resume the
15 competent practice of radiologic technology with reasonable
16 skill and safety.

17 (h) Failing to report to the department any person who
18 the certificateholder knows is in violation of this part or of
19 the rules of the department.

20 (i) Violating any provision of this part, any rule of
21 the department, or any lawful order of the department
22 previously entered in a disciplinary proceeding or failing to
23 comply with a lawfully issued subpoena of the department.

24 (j) Employing, for the purpose of applying ionizing
25 radiation or otherwise practicing radiologic technology on a
26 ~~to any~~ human being, any individual who is not certified under
27 the provisions of this part.

28 (k) Testing positive for any drug, as defined in s.
29 112.0455, on any confirmed preemployment or employer-required
30 drug screening when the radiologic technologist does not have
31 a lawful prescription and legitimate medical reason for using

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1 such drug.

2 (l) Failing to report to the department in writing
3 within 30 days after the certificateholder has had a voluntary
4 or mandatory certificate to practice radiologic technology
5 revoked, suspended, or otherwise acted against, including
6 being denied certification, by a national organization, by a
7 specialty board recognized by the department, or by a
8 certification authority of another state, territory, or
9 country.

10 (m) Having been found guilty of, regardless of
11 adjudication, or pleading guilty or nolo contendere to, any
12 offense prohibited under s. 435.03 or under any similar
13 statute of another jurisdiction.

14 (n) Failing to comply with the recommendations of the
15 department's impaired practitioner program for treatment,
16 evaluation, or monitoring. A letter from the director of the
17 impaired practitioner program that the certificateholder is
18 not in compliance shall be considered conclusive proof under
19 this part.

20 (5) A final disciplinary action taken against a
21 radiologic technologist in another jurisdiction, whether
22 voluntary or mandatory, shall be considered conclusive proof
23 of grounds for a disciplinary proceeding under this part.

24 (6) The department may revoke approval of a continuing
25 education provider and its approved courses if the provider's
26 certification has been revoked, suspended, or otherwise acted
27 against by a national organization; by a specialty board
28 recognized by the department; or by a certification authority
29 of another state, territory, or country. The department may
30 establish by rule additional guidelines and criteria for the
31 discipline of continuing education providers, including, but

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1 not limited to, revoking approval of a continuing education
2 provider or a continuing education course and refusing to
3 approve a continuing education provider or continuing
4 education course.

5 Section 57. Paragraph (a) of subsection (5) of section
6 489.553, Florida Statutes, is amended to read:

7 489.553 Administration of part; registration
8 qualifications; examination.--

9 (5) To be eligible for registration by the department
10 as a master septic tank contractor, the applicant must:

11 (a) Have been a registered septic tank contractor in
12 Florida for at least 3 years or a plumbing contractor
13 certified under part I of this chapter who has provided septic
14 tank contracting services for at least 3 years. The 3 years
15 must immediately precede the date of application and may not
16 be interrupted by any probation, suspension, or revocation
17 imposed by the licensing agency.

18 Section 58. Section 489.554, Florida Statutes, is
19 amended to read:

20 489.554 Registration renewal.--

21 (1) The department shall prescribe by rule the method
22 for approving approval of continuing education courses, and
23 for renewing renewal of annual registration, for approving
24 inactive status for the late filing of a renewal application,
25 for allowing a contractor to hold a registration in inactive
26 status for a specified period, and for reactivating a
27 registration.

28 (2) At a minimum, annual renewal shall include
29 continuing education requirements of not less than 6 classroom
30 hours annually for septic tank contractors and not less than
31 12 classroom hours annually for master septic tank

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1 contractors. The 12 classroom hours of continuing education
 2 required for master septic tank contractors may include the 6
 3 classroom hours required for septic tank contractors, but at a
 4 minimum must include 6 classroom hours of approved master
 5 septic tank contractor coursework.

6 (3) A certificate of registration becomes inactive
 7 when a renewal application is not filed in a timely manner. A
 8 certificate that has become inactive may be reactivated under
 9 this section by application to the department. A licensed
 10 contractor may apply to the department for voluntary inactive
 11 status at any time during the period of registration.

12 (4) A master septic tank contractor may elect to
 13 revert to the status of a registered septic tank contractor at
 14 any time during the period of registration. The department
 15 shall prescribe by rule the method for a master septic tank
 16 contractor who has reverted to the status of a registered
 17 septic tank contractor to apply for status as a master septic
 18 tank contractor.

19 (5) The department shall deny an application for
 20 renewal if the applicant has failed to pay any administrative
 21 penalty imposed by the department if the penalty is final
 22 agency action and all judicial reviews have been exhausted.

23 Section 59. Section 784.081, Florida Statutes, is
 24 amended to read:

25 784.081 Assault or battery on specified officials or
 26 employees; reclassification of offenses.--Whenever a person is
 27 charged with committing an assault or aggravated assault or a
 28 battery or aggravated battery upon any elected official or
 29 employee of: a school district; a private school; the Florida
 30 School for the Deaf and the Blind; a university developmental
 31 research school; a state university or any other entity of the

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1 | state system of public education, as defined in s. 1000.04; an
 2 | employee or protective investigator of the Department of
 3 | Children and Family Services; ~~or~~ an employee of a lead
 4 | community-based provider and its direct service contract
 5 | providers; or an employee of the Department of Health or its
 6 | direct service contract providers, when the person committing
 7 | the offense knows or has reason to know the identity or
 8 | position or employment of the victim, the offense for which
 9 | the person is charged shall be reclassified as follows:

10 | (1) In the case of aggravated battery, from a felony
 11 | of the second degree to a felony of the first degree.

12 | (2) In the case of aggravated assault, from a felony
 13 | of the third degree to a felony of the second degree.

14 | (3) In the case of battery, from a misdemeanor of the
 15 | first degree to a felony of the third degree.

16 | (4) In the case of assault, from a misdemeanor of the
 17 | second degree to a misdemeanor of the first degree.

18 | Section 60. Subsection (9) of section 381.0098,
 19 | paragraph (f) of subsection (2) of section 385.103, sections
 20 | 385.205 and 385.209, subsection (3) of section 391.301,
 21 | subsection (2) of section 391.305, subsection (5) of section
 22 | 393.064, and subsection (7) of section 445.033, Florida
 23 | Statutes, are repealed.

24 | Section 61. The Technical Review and Advisory Panel of
 25 | the Department of Health, created by section 381.0068, Florida
 26 | Statutes, shall review and advise the Legislature on the need
 27 | and structure of a disciplinary board for the onsite sewage
 28 | industry. The panel shall submit a report to the Legislature
 29 | by January 2, 2005.

30 |

31 | (Redesignate subsequent sections.)

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1 ===== T I T L E A M E N D M E N T =====

2 And the title is amended as follows:

3 On page 2, line 21, after the semicolon,

4

5 insert:

6 amending s. 17.41, F.S.; authorizing funds from
7 the Tobacco Settlement Clearing Trust Fund to
8 be disbursed to the Biomedical Research Trust
9 Fund in the Department of Health; amending s.
10 20.43, F.S.; designating the Division of
11 Emergency Medical Services and Community Health
12 Resources as the "Division of Emergency Medical
13 Operations"; designating the Division of
14 Information Resource Management as the
15 "Division of Information Technology";
16 designating the Division of Health Awareness
17 and Tobacco as the "Division of Health Access
18 and Tobacco"; creating the Division of
19 Disability Determinations; amending s.
20 216.2625, F.S.; providing that certain
21 positions within the Department of Health are
22 exempt from a limitation on the number of
23 authorized positions; amending s. 381.0011,
24 F.S.; revising duties of the Department of
25 Health; providing for a statewide injury
26 prevention program; amending s. 381.006, F.S.;
27 including within the department's environmental
28 health program the function of investigating
29 elevated levels of lead in blood; amending s.
30 381.0066, F.S.; continuing a requirement
31 imposing a permit fee on new construction;

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1 creating s. 381.0069, F.S.; providing for the
2 regulation of portable restroom contracting;
3 providing definitions; requiring a portable
4 restroom contractor to apply for registration
5 with the Department of Health; providing
6 requirements for registration, including an
7 examination; providing exemptions; providing
8 for administration; providing rulemaking
9 authority; providing for renewal of
10 registration, including continuing education;
11 providing for certification of partnerships and
12 corporations; providing grounds for suspension
13 or revocation of registration; providing fees;
14 providing penalties and prohibitions; amending
15 s. 381.0061, F.S.; authorizing imposition of an
16 administrative fine for violation of portable
17 restroom contracting requirements; amending s.
18 381.0065, F.S.; specifying the department's
19 powers and duties with respect to the
20 regulation of portable restroom facilities and
21 the companies that provide and service them;
22 authorizing the department to enter the
23 business premises of any portable restroom
24 contractor for compliance determination and
25 enforcement; authorizing issuance of a citation
26 for violation of portable restroom contracting
27 requirements which may contain an order of
28 correction or a fine; amending s. 381.0072,
29 F.S.; exempting certain schools, bars, and
30 lounges from certification requirements for
31 food service managers; creating s. 381.0409,

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1 F.S.; requiring the department to establish a
2 tobacco prevention program, contingent upon a
3 specific appropriation; specifying components
4 of the program; providing for the department to
5 provide technical assistance and training to
6 state and local entities; authorizing the
7 department to contract for program activities;
8 creating s. 381.86, F.S.; establishing the
9 Institutional Review Board within the
10 Department of Health to review certain
11 biomedical and behavioral research; providing
12 for the membership of the board; authorizing
13 board members to be reimbursed for per diem and
14 travel expenses; authorizing the department to
15 charge fees for the research oversight
16 performed by the board; authorizing the
17 department to adopt rules; amending s. 381.89,
18 F.S.; authorizing the Department of Health to
19 impose certain licensure fees on tanning
20 facilities; amending s. 381.90, F.S.; revising
21 the membership and reporting requirements of
22 the Health Information Systems Council;
23 amending s. 383.14, F.S.; authorizing the State
24 Public Health Laboratory to release certain
25 test results to a newborn's primary care
26 physician; revising certain testing
27 requirements for newborns; increasing the
28 membership of the Genetics and Newborn
29 Screening Advisory Council; amending s.
30 383.402, F.S.; revising the criteria under
31 which the state and local child abuse death

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1 review committees are required to review the
2 death of a child; amending s. 391.021, F.S.;
3 redefining the term "children with special
4 health care needs" for purposes of the
5 Children's Medical Services Act; amending ss.
6 391.025, 391.029, 391.035, and 391.055, F.S.,
7 relating to the Children's Medical Services
8 program; revising the application requirements
9 for the program; revising requirements for
10 eligibility for services under the program;
11 authorizing the department to contract with
12 out-of-state health care providers to provide
13 services to program participants; authorizing
14 the department to adopt rules; requiring that
15 certain newborns with abnormal screening
16 results be referred to the program; amending s.
17 391.302, F.S.; revising certain definitions
18 relating to developmental evaluation and
19 intervention services; amending s. 391.303,
20 F.S.; revising certain requirements for
21 providing those services; amending s. 391.308,
22 F.S.; creating the Infants and Toddlers Early
23 Intervention Program within the Department of
24 Health; requiring the department, jointly with
25 the Department of Education, to prepare grant
26 applications and to include certain services
27 under the program; amending s. 395.003, F.S.;
28 requiring a report by the Agency for Health
29 Care Administration regarding the licensure of
30 emergency departments located off the premises
31 of hospitals; prohibiting the issuance of

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1 licenses for such departments before July 1,
2 2005; amending s. 395.1027, F.S.; authorizing
3 certain licensed facilities to release patient
4 information to regional poison control centers;
5 amending s. 395.404, F.S.; revising reporting
6 requirements to the trauma registry data system
7 maintained by the Department of Health;
8 providing that hospitals, pediatric trauma
9 referral centers, and trauma centers subject to
10 reporting trauma registry data to the
11 department are required to comply with other
12 duties concerning the moderate-to-severe brain
13 or spinal cord injury registry maintained by
14 the department; correcting references to the
15 term "trauma center"; amending s. 400.9905,
16 F.S.; providing that certain entities providing
17 oncology or radiation therapy services are
18 exempt from the licensure requirements of part
19 XIII of ch. 400, F.S.; providing legislative
20 intent with respect to such exemption;
21 providing for retroactive application; amending
22 s. 401.211, F.S.; providing legislative intent
23 with respect to a statewide injury-prevention
24 program; creating s. 401.243, F.S.; providing
25 duties of the department for establishing such
26 a program; authorizing the department to adopt
27 rules; creating s. 401.27001, F.S.; providing
28 requirements for background screening for
29 applicants for initial certification as an
30 emergency medical technician or paramedic and
31 for renewal of certification; requiring an

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1 applicant to pay the costs of screening;
2 requiring that fingerprints be submitted to the
3 Department of Law Enforcement and forwarded to
4 the Federal Bureau of Investigation; specifying
5 the offenses that are grounds for denial of
6 certification; authorizing the department to
7 grant an exemption to an applicant,
8 notwithstanding certain convictions; requiring
9 the department to adopt rules; amending s.
10 404.056, F.S.; revising the radon testing
11 requirements for schools and certain
12 state-operated or state-licensed facilities;
13 amending s. 409.814, F.S.; providing certain
14 eligibility requirements for the Florida
15 Healthy Kids and Medikids programs; amending s.
16 456.025, F.S.; deleting requirements for the
17 Department of Health to administer an
18 electronic continuing education tracking system
19 for health care practitioners; creating s.
20 456.0251, F.S.; providing for enforcement of
21 continuing education requirements required for
22 license renewal; authorizing citations and
23 fines to be imposed for failure to comply with
24 required continuing education requirements;
25 amending s. 456.072, F.S.; providing for
26 discipline of licensees who fail to meet
27 continuing education requirements as a
28 prerequisite for license renewal three or more
29 times; amending s. 468.302, F.S.; revising
30 certain requirements for administering
31 radiation and performing certain other

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1 procedures; amending s. 468.304, F.S.; revising
2 requirements for obtaining certification from
3 the department as an X-ray machine operator, a
4 radiographer, or a nuclear medicine
5 technologist; amending s. 468.306, F.S.;
6 requiring remedial education for certain
7 applicants for certification; amending s.
8 468.3065, F.S.; providing that the application
9 fee is nonrefundable; amending s. 468.307,
10 F.S.; revising the expiration date of a
11 certificate; amending s. 468.309, F.S.;
12 revising requirements for certification as a
13 radiologic technologist; providing for a
14 certificateholder to resign a certification;
15 amending s. 468.3095, F.S.; revising
16 requirements for reactivating an expired
17 certificate; amending s. 468.3101, F.S.;
18 authorizing the department to conduct
19 investigations and inspections; clarifying
20 certain grounds for disciplinary actions;
21 amending s. 489.553, F.S.; providing
22 requirements for registration as a master
23 septic tank contractor; amending s. 489.554,
24 F.S.; authorizing inactive registration as a
25 septic tank contractor; providing for renewing
26 a certification of registration following a
27 period of inactive status; amending s. 784.081,
28 F.S.; increasing certain penalties for an
29 assault or battery that is committed against an
30 employee of the Department of Health or against
31 a direct service provider of the department;

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1 repealing ss. 381.0098(9), 385.103(2)(f),
2 385.205, 385.209, 391.301(3), 391.305(2),
3 393.064(5), and 445.033(7), F.S., relating to
4 obsolete provisions governing the handling of
5 biomedical waste, rulemaking authority with
6 respect to community intervention programs,
7 programs covering chronic renal disease,
8 information on cholesterol, intervention
9 programs for certain hearing-impaired infants,
10 contract authority over the Raymond C. Philips
11 Research and Education Unit, and an exemption
12 from the Florida Biomedical and Social Research
13 Act for certain evaluations; requiring a report
14 relating to a disciplinary board for the onsite
15 sewage industry;

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