

By the Committees on Appropriations; Health, Aging, and Long-Term Care; and Senator Jones

309-2515-04

1 A bill to be entitled
2 An act relating to public health care; amending
3 s. 381.0012, F.S.; expanding the environmental
4 health enforcement authority of the Department
5 of Health; authorizing the department to issue
6 citations or order payment of fines; providing
7 requirements and limitations; providing a
8 criminal penalty; providing for deposit and use
9 of fines; amending s. 381.004, F.S.; providing
10 additional criteria for release of HIV
11 preliminary test results; amending s. 381.0065,
12 F.S.; modifying standards for rulemaking
13 applicable to regulation of onsite sewage
14 treatment and disposal systems; revising
15 research award qualifications; providing for an
16 extended right of entry; amending s. 381.0101,
17 F.S.; revising definitions; revising
18 environmental health professional certification
19 requirements; clarifying exemptions; creating
20 s. 381.104, F.S.; creating an employee health
21 and wellness program; providing requirements;
22 authorizing state agencies to undertake certain
23 activities relating to agency resources for
24 program purposes; requiring each participating
25 agency to make an annual report; providing
26 duties of the department; amending s. 384.25,
27 F.S.; revising reporting requirements for
28 sexually transmissible diseases; authorizing
29 the department to adopt rules; amending s.
30 384.31, F.S.; revising sexually transmissible
31 disease testing requirements for pregnant

1 women; providing notice requirements; creating
2 s. 385.104, F.S.; establishing the Health
3 Promotion and Health Education Statewide
4 Initiative for certain purposes; providing
5 requirements; authorizing the department to
6 award funding to county health departments for
7 certain purposes; providing funding
8 requirements; providing participation
9 requirements for county health departments;
10 amending s. 945.601, F.S.; revising a
11 cross-reference, to conform; creating s.
12 945.6038, F.S.; authorizing the State of
13 Florida Correctional Medical Authority to enter
14 into agreements with other state agencies to
15 provide additional medical services; providing
16 a limitation; amending s. 381.005, F.S.;
17 requiring hospitals licensed under ch. 395,
18 F.S., to implement a program offering
19 immunizations against the influenza virus and
20 pneumococcal bacteria to all patients who have
21 attained a specified age; providing an
22 effective date.

23

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

25

26 Section 1. Subsections (6) and (7) are added to
27 section 381.0012, Florida Statutes, to read:

28 381.0012 Enforcement authority.--

29 (6) When a violation of s. 386.01, s. 386.041, or
30 environmental health rules adopted under this chapter occurs,
31 and such violation is enforceable by administrative or civil

1 remedy or is a second-degree misdemeanor, the department may
2 issue a citation that contains an order of correction, an
3 order to pay a fine, or both. A citation issued under this
4 subsection constitutes a notice of proposed agency action.

5 (a) Citations must be in writing and must describe the
6 particular nature of the violation, including specific
7 reference to the provision of statute or rule allegedly
8 violated.

9 (b) The fines imposed may not exceed \$500 for each
10 violation. Each day constitutes a separate violation for which
11 a citation may be issued.

12 (c) The citing official shall inform the recipient, by
13 written notice pursuant to ss. 120.569 and 120.57, of the
14 right to an administrative hearing. The citation must contain
15 a conspicuous statement that failure to pay the fine within
16 the allotted time, or failure to appear to contest the
17 citation after having requested a hearing, constitutes a
18 waiver of the right to contest the citation.

19 (d) The department may reduce or waive the fine
20 imposed by the citation after giving due consideration to such
21 factors as the gravity of the violation, the good faith of the
22 person who has allegedly committed the violation, and the
23 person's history of previous violations, including violations
24 for which enforcement actions were taken under this section or
25 other provisions of law.

26 (e) Any person who willfully refuses to sign and
27 accept a citation issued by the department commits a
28 misdemeanor of the second degree, punishable as provided in s.
29 775.082 or s. 775.083.

30 (f) The department shall deposit all fines collected
31 under the authority of this subsection in the County Health

1 Department Trust Fund for use in the environmental health
2 program under which the fine was issued and shall use such
3 finances to improve the respective programs or to provide
4 training to the regulated industry and department staff
5 working in such programs.

6 (g) The provisions of this subsection are an
7 alternative means of enforcing environmental health
8 requirements which does not prohibit the department from using
9 other means of enforcement. However, the department shall use
10 only one method of enforcement for a single violation.

11 (7) The department may use positive means of
12 enforcement to ensure compliance with environmental health
13 requirements specified in this chapter, ss. 386.01 and
14 386.041, or environmental health rules adopted under the
15 authority of this chapter. Such means of enforcement may
16 include requiring attendance at training courses applicable to
17 the violations committed and requiring the use of best
18 management practices currently used or recognized by the
19 appropriate regulated industry or governmental agency.

20 Section 2. Paragraph (d) of subsection (3) of section
21 381.004, Florida Statutes, is amended to read:

22 381.004 HIV testing.--

23 (3) HUMAN IMMUNODEFICIENCY VIRUS TESTING; INFORMED
24 CONSENT; RESULTS; COUNSELING; CONFIDENTIALITY.--

25 (d) No test result shall be determined as positive,
26 and no positive test result shall be revealed to any person,
27 without corroborating or confirmatory tests being conducted
28 except in the following situations:

29 1. Preliminary test results may be released to
30 licensed physicians or the medical or nonmedical personnel
31

1 subject to the significant exposure for purposes of
2 subparagraphs (h)10., 11., and 12.

3 2. Preliminary test results may be released to health
4 care providers and to the person tested when decisions about
5 medical care or treatment of, or recommendation to, the person
6 tested and, in the case of an intrapartum or postpartum woman,
7 when care, treatment, or recommendations regarding her
8 newborn, cannot await the results of confirmatory testing.
9 Positive preliminary HIV test results shall not be
10 characterized to the patient as a diagnosis of HIV infection.
11 Justification for the use of preliminary test results must be
12 documented in the medical record by the health care provider
13 who ordered the test. ~~This subparagraph does not authorize the~~
14 ~~release of preliminary test results for the purpose of routine~~
15 ~~identification of HIV-infected individuals or when HIV testing~~
16 ~~is incidental to the preliminary diagnosis or care of a~~
17 ~~patient.~~Corroborating or confirmatory testing must be
18 conducted as followup to a positive preliminary test. Results
19 shall be communicated to the patient according to statute
20 regardless of the outcome. Except as provided in this section,
21 test results are confidential and exempt from the provisions
22 of s. 119.07(1).

23 3. Positive rapid test results are considered
24 preliminary and may be released in accordance with the
25 manufacturer's instructions as approved by the United States
26 Food and Drug Administration. Positive rapid test results
27 require confirmatory testing for diagnosis and reporting of
28 HIV infection.

29 Section 3. Paragraphs (a) and (j) of subsection (3) of
30 section 381.0065, Florida Statutes, are amended, and paragraph
31 (c) is added to subsection (5) of that section, to read:

1 381.0065 Onsite sewage treatment and disposal systems;
2 regulation.--

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

5 (a) Adopt rules to administer ss. 381.0065-381.0067,
6 including definitions that are consistent with the definitions
7 in this section, decreases to setback requirements where no
8 health hazard exists, increases for the lot-flow allowance for
9 performance-based systems, requirements for separation from
10 water table elevation during the wettest season, requirements
11 for the design and construction of any component part of an
12 onsite sewage treatment and disposal system, application and
13 permit requirements for persons who maintain an onsite sewage
14 treatment and disposal system, requirements for maintenance
15 and service agreements for aerobic treatment units and
16 performance-based treatment systems, ~~and~~ recommended
17 standards, including disclosure requirements, for voluntary
18 system inspections to be performed by individuals who are
19 authorized by law to perform such inspections and who shall
20 inform a person having ownership, control, or use of an onsite
21 sewage treatment and disposal system of the inspection
22 standards and of that person's authority to request an
23 inspection based on all or part of the standards, and
24 requirements for implementation of the United States
25 Environmental Protection Agency's voluntary national
26 guidelines for management of onsite and clustered or
27 decentralized wastewater treatment systems.

28 (j) Supervise research on, demonstration of, and
29 training on the performance, environmental impact, and public
30 health impact of onsite sewage treatment and disposal systems
31 within this state. Research fees collected under s.

1 381.0066(2)(k) must be used to develop and fund hands-on
2 training centers designed to provide practical information
3 about onsite sewage treatment and disposal systems to septic
4 tank contractors, master septic tank contractors, contractors,
5 inspectors, engineers, and the public and must also be used to
6 fund research projects which focus on improvements of onsite
7 sewage treatment and disposal systems, including use of
8 performance-based standards and reduction of environmental
9 impact. Research projects shall be initially approved by the
10 technical advisory panel and shall be applicable to and
11 reflect the soil conditions specific to Florida. Such projects
12 shall be awarded through competitive negotiation, using the
13 procedures provided in s. 287.055, to public or private
14 entities that have experience in onsite sewage treatment and
15 disposal systems in Florida and that are principally located
16 in Florida. ~~Research projects shall not be awarded to firms or~~
17 ~~entities that employ or are associated with persons who serve~~
18 ~~on either the technical advisory panel or the research review~~
19 ~~and advisory committee.~~

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

21 (c) Department personnel may enter the premises of
22 others when necessary to conduct site evaluations and
23 inspections relating to the permitting of onsite sewage
24 treatment and disposal systems. Such entry does not constitute
25 trespass, and department personnel making such entry are not
26 subject to arrest or to a civil action by reason of such
27 entry. This paragraph does not authorize a department employee
28 to destroy, injure, damage, or move anything on the premises
29 of another without the written permission of the landowner.
30
31

1 Section 4. Subsections (1), (2), (3), and (6) and
2 paragraph (a) of subsection (5) of section 381.0101, Florida
3 Statutes, are amended to read:

4 381.0101 Environmental health professionals.--

5 (1) LEGISLATIVE INTENT.--Persons responsible for
6 providing technical and scientific evaluations of
7 environmental health and sanitary conditions in business
8 establishments and communities throughout the state may create
9 a danger to the public health if they are not skilled or
10 competent to perform such evaluations. The public relies on
11 the judgment of environmental health professionals employed by
12 both government agencies and private industries to assure them
13 that environmental hazards are identified and removed before
14 they endanger the health or safety of the public. The purpose
15 of this section is to assure the public that persons
16 specifically responsible for performing environmental health
17 and sanitary evaluations have been certified by examination as
18 competent to perform such work.

19 (2) DEFINITIONS.--As used in this section:

20 (a) "Accredited" means recognized by the American
21 Council on Education as meeting acceptable levels of quality
22 and performance.

23 ~~(b)(a)~~ "Board" means the Environmental Health
24 Professionals Advisory Board.

25 ~~(c)(b)~~ "Department" means the Department of Health.

26 ~~(d)(c)~~ "Environmental health" means that segment of
27 public health work which deals with the examination of those
28 factors in the human environment which may impact adversely on
29 the health status of an individual or the public.

30 ~~(e)(d)~~ "Environmental health professional" means a
31 person who is employed or assigned the responsibility for

1 assessing the environmental health or sanitary conditions, as
2 defined by the department, within a building, on an
3 individual's property, or within the community at large, and
4 who has the knowledge, skills, and abilities to carry out
5 these tasks. Environmental health professionals may be either
6 field, supervisory, or administrative staff members.

7 (f)~~(e)~~ "Certified" means a person who has displayed
8 competency to perform evaluations of environmental or sanitary
9 conditions through examination.

10 (g)~~(f)~~ "Registered sanitarian," "R.S.," "Registered
11 Environmental Health Specialist," or "R.E.H.S." means a person
12 who has been certified by either the National Environmental
13 Health Association or the Florida Environmental Health
14 Association as knowledgeable in the environmental health
15 profession.

16 (h)~~(g)~~ "Primary environmental health program" means
17 those programs determined by the department to be essential
18 for providing basic environmental and sanitary protection to
19 the public. These programs shall be established by rule and,
20 at a minimum, ~~these programs~~ shall include food protection
21 program work and onsite sewage treatment and disposal systems
22 program work ~~system evaluations~~.

23 (3) CERTIFICATION REQUIRED.--No person shall perform
24 environmental health or sanitary evaluations in any primary
25 program area of environmental health without being certified
26 by the department as competent to perform such evaluations.
27 The requirements of this section shall not be mandatory for
28 persons performing inspections of public or retail food
29 service establishments licensed under chapter 500 or chapter
30 509.

31

1 (5) STANDARDS FOR CERTIFICATION.--The department shall
2 adopt rules that establish definitions of terms and minimum
3 standards of education, training, or experience for those
4 persons subject to this section. The rules must also address
5 the process for application, examination, issuance,
6 expiration, and renewal of certification and ethical standards
7 of practice for the profession.

8 (a) Persons employed as environmental health
9 professionals shall exhibit a knowledge of rules and
10 principles of environmental and public health law in Florida
11 through examination. A person may not conduct environmental
12 health evaluations in a primary program area unless he or she
13 is currently certified in that program area or works under the
14 direct supervision, during his or her initial probationary
15 period for that position, of a certified environmental health
16 professional.

17 1. All persons who begin employment in a primary
18 environmental health program on or after September 21, 1994,
19 must be certified in that program within the initial
20 probationary period for that position ~~6 months after~~
21 ~~employment.~~

22 2. Persons employed in the primary environmental
23 health programs ~~program~~ of a food protection ~~program~~ or an
24 onsite sewage treatment and disposal systems ~~system~~ prior to
25 September 21, 1994, shall be considered certified while
26 employed in that position and shall be required to adhere to
27 any professional standards established by the department
28 pursuant to paragraph (b), complete any continuing education
29 requirements imposed under paragraph (d), and pay the
30 certificate renewal fee imposed under subsection (7).

31

1 3. Persons employed in the primary environmental
2 health programs ~~program~~ of a food protection ~~program~~ or an
3 onsite sewage treatment and disposal systems ~~system~~ prior to
4 September 21, 1994, who change positions or program areas and
5 transfer into another primary environmental health program
6 area on or after September 21, 1994, must be certified by
7 examination in that program within 6 months after such
8 transfer, except that they will not be required to possess the
9 college degree required under paragraph (e).

10 4. Registered sanitarians shall be considered
11 certified and shall be required to adhere to any professional
12 standards established by the department pursuant to paragraph
13 (b).

14 (6) EXEMPTIONS.--A person who conducts primary
15 environmental evaluation activities and maintains a current
16 registration or certification from another state agency which
17 examined the person's knowledge of the primary program area
18 and requires comparable continuing education to maintain the
19 certificate shall not be required to be certified by this
20 section. ~~Examples of persons not subject to certification are~~
21 ~~physicians, registered dietitians, certified laboratory~~
22 ~~personnel, and nurses.~~

23 Section 5. Section 381.104, Florida Statutes, is
24 created to read:

25 381.104 Employee health and wellness program.--

26 (1) Each state agency may allocate, from existing
27 resources, the necessary funding and facilities for the
28 development and maintenance of an employee health and wellness
29 program and may seek additional funding from other sources to
30 support the program for the benefit of the agency's employees.

1 (2) Each state agency may dedicate resources to
2 develop and coordinate an employee health and wellness program
3 or arrange to cooperate with other agencies within such
4 agency's geographic proximity for program coordination,
5 including providers of state employee benefits.

6 (3) Each state agency electing to participate shall
7 establish an employee health and wellness coordinator and
8 advisory committee to guide the development of an operational
9 plan, including the collection of data and development of
10 goals and objectives, and to oversee program evaluation and
11 use of any agency-allocated funds.

12 (4) Each state agency may conduct and dedicate
13 resources toward an employee needs assessment to ascertain the
14 health-and-wellness-related needs of its employees.

15 (5) Each state agency may establish policies that
16 allow employees no more than 30 minutes of work time three
17 times each week, as individual workload allows, to use for the
18 purpose of engaging in health and wellness activities which
19 may include physical activity, stress reduction, tobacco
20 cessation, personal training, nutrition counseling, or weight
21 reduction and control. Such 30-minute periods may be used to
22 modify the start or end of the workday or to extend the lunch
23 hour.

24 (6) Each state agency shall use an employee health and
25 wellness activity agreement form, developed by the Department
26 of Health, to be completed by the employee, signed by both the
27 employee and the employee's immediate supervisor, and kept in
28 the employee's personnel file prior to the employee's
29 participation in any activity. It is the responsibility of the
30 employee to complete the form and submit it to the personnel
31 office. Any change to the employee's activities requires

1 submission of a revised form. An employee found to be in
2 violation of the submitted agreement form is not allowed
3 further participation in the program.

4 (7) Each state agency may designate up to 1 hour each
5 month for the purpose of providing inservice health and
6 wellness training for its employees.

7 (8) Each state agency may use electronic mail and
8 other communication systems to promote the agency's employee
9 health and wellness activities.

10 (9) Each state agency may, and is encouraged to:

11 (a) Enter into an agreement or contract with other
12 public or private entities to collaborate or participate
13 jointly in health or wellness education or activity programs.

14 (b) Implement health education activities that focus
15 on skill development and lifestyle behavior change along with
16 information dissemination and awareness building, preferably
17 tailored to the employees' interests and needs.

18 (c) Review and offer recommendations to agency
19 leadership on environmental and social support policies that
20 pertain to improving the health of employees.

21 (d) Link the employee health and wellness program to
22 other programs such as the employee assistance program and
23 other related programs to help employees balance work and
24 family.

25 (e) Offer free, low-cost, or employee-fee-based
26 programs on site, including the designation of rooms for the
27 express purpose of physical activity, nutrition, stress
28 reduction, and weight control activities. Participating
29 agencies with established employee health and wellness
30 programs may purchase exercise equipment to be used in the
31 room designated for this purpose.

1 (10) Each state agency that develops and implements an
2 employee health and wellness program shall include and
3 document an evaluation and improvement process in an annual
4 report to help enhance the program's efficiency and
5 effectiveness. The annual report shall be submitted to the
6 Department of Health on July 1 of each year. Agencies shall
7 use an annual report template provided by the Department of
8 Health to ensure consistency in the presentation of data and
9 other evaluation results.

10 (11) The Department of Health shall provide employee
11 health and wellness model program guidelines and ongoing
12 technical assistance to other state agencies to assist in the
13 development of each agency's employee health and wellness
14 program.

15 Section 6. Section 384.25, Florida Statutes, is
16 amended to read:

17 384.25 Reporting required.--

18 (1) Each person who makes a diagnosis of or treats a
19 person with a sexually transmissible disease, including, but
20 not limited to, HIV and AIDS,and each laboratory that
21 performs a test for a sexually transmissible disease,
22 including, but not limited to, HIV,which concludes with a
23 positive result shall report such facts as may be required by
24 the department by rule, within a time period as specified by
25 rule of the department, but in no case to exceed 2 weeks.

26 (a)(2) The department shall adopt rules specifying the
27 information required in and a maximum ~~minimum~~ time period for
28 reporting a sexually transmissible disease, including, but not
29 limited to, HIV and AIDS. In adopting such rules, the
30 department shall consider the need for information,
31 protections for the privacy and confidentiality of the

1 patient, and the practical ability of persons and laboratories
2 to report in a reasonable fashion. To ensure the
3 confidentiality of persons infected with HIV ~~the human~~
4 ~~immunodeficiency virus (HIV)~~, reporting of HIV infection and
5 AIDS ~~acquired immune deficiency syndrome (AIDS)~~ must be
6 conducted using a system ~~the HIV/AIDS Reporting System (HARS)~~
7 developed by the Centers for Disease Control and Prevention of
8 the United States Public Health Service or an equivalent
9 system.

10 ~~(3) The department shall require reporting of~~
11 ~~physician diagnosed cases of AIDS based upon diagnostic~~
12 ~~criteria from the Centers for Disease Control and Prevention.~~

13 ~~(b)(4) The department may require physician and~~
14 ~~laboratory reporting of HIV infection. However, only reports~~
15 ~~of HIV infection identified on or after the effective date of~~
16 ~~the rule developed by the department pursuant to this~~
17 ~~subsection shall be accepted. The Reporting may not affect or~~
18 ~~relate to anonymous HIV testing programs conducted pursuant to~~
19 ~~s. 381.004(4) or to university-based medical research~~
20 ~~protocols as determined by the department.~~

21 ~~(2)(5) After notification of the test subject under~~
22 ~~subsection (4), the department may, with the consent of the~~
23 ~~test subject, notify school superintendents of students and~~
24 ~~school personnel whose HIV tests are positive.~~

25 (3) The department shall adopt rules requiring each
26 physician and laboratory to report any newborn or infant up to
27 18 months of age who has been exposed to HIV. The rules may
28 include the method and time period for reporting, information
29 to be included in the report, requirements for enforcement,
30 and followup activities by the department.

31

1 ~~(4)(6)~~ The department shall by February 1 of each year
2 submit to the Legislature an annual report relating to all
3 information obtained pursuant to this section.

4 ~~(5)(7)~~ Each person who violates the provisions of this
5 section or the rules adopted hereunder may be fined by the
6 department up to \$500 for each offense. The department shall
7 report each violation of this section to the regulatory agency
8 responsible for licensing each health care professional and
9 each laboratory to which these provisions apply.

10 Section 7. Section 384.31, Florida Statutes, is
11 amended to read:

12 384.31 ~~Serological~~ Testing of pregnant women; duty of
13 the attendant.--

14 ~~(1)~~ Every person, including every physician licensed
15 under chapter 458 or chapter 459 or midwife licensed under
16 part I of chapter 464 or chapter 467, attending a pregnant
17 woman for conditions relating to pregnancy during the period
18 of gestation and delivery shall ~~take or cause the woman to be~~
19 tested for sexually transmissible diseases, including, but not
20 limited to, HIV, as required by rule of the department,
21 notwithstanding s. 381.004(3)(a), taken a sample of venous
22 blood at a time or times specified by the department. The
23 tests ~~Each sample of blood shall be performed tested~~ by a
24 laboratory approved for such purposes under part I of chapter
25 483 ~~for sexually transmissible diseases as required by rule of~~
26 ~~the department.~~ Pregnant women shall be notified of the tests
27 that will be conducted and of their right to refuse testing.
28 If a woman objects to testing, a written statement of
29 objection, signed by the patient, shall be placed in the
30 patient's medical record and no testing shall occur.

31

1 ~~(2) At the time the venous blood sample is taken,~~
2 ~~testing for human immunodeficiency virus (HIV) infection shall~~
3 ~~be offered to each pregnant woman. The prevailing professional~~
4 ~~standard of care in this state requires each health care~~
5 ~~provider and midwife who attends a pregnant woman to counsel~~
6 ~~the woman to be tested for human immunodeficiency virus (HIV).~~
7 ~~Counseling shall include a discussion of the availability of~~
8 ~~treatment if the pregnant woman tests HIV positive. If a~~
9 ~~pregnant woman objects to HIV testing, reasonable steps shall~~
10 ~~be taken to obtain a written statement of such objection,~~
11 ~~signed by the patient, which shall be placed in the patient's~~
12 ~~medical record. Every person, including every physician~~
13 ~~licensed under chapter 458 or chapter 459 or midwife licensed~~
14 ~~under part I of chapter 464 or chapter 467, who attends a~~
15 ~~pregnant woman who has been offered and objects to HIV testing~~
16 ~~shall be immune from liability arising out of or related to~~
17 ~~the contracting of HIV infection or acquired immune deficiency~~
18 ~~syndrome (AIDS) by the child from the mother.~~

19 Section 8. Section 385.104, Florida Statutes, is
20 created to read:

21 385.104 Health Promotion and Health Education
22 Statewide Initiative.--

23 (1) The Department of Health shall establish the
24 Health Promotion and Health Education Statewide Initiative to
25 provide a comprehensive and community-based health promotion
26 and education program. The program is designed to provide
27 funding to counties in this state to improve individual and
28 community health, aimed specifically at preventing and
29 reducing the impact of chronic diseases and promoting healthy
30 lifestyles.

31

1 (2) The program's targeted diseases include, but are
2 not limited to, diabetes, heart disease, stroke, asthma, and
3 cancer, with a focus on the preventable risk factors of
4 tobacco use, physical inactivity, and poor nutrition.

5 (3) The implementation of these activities shall be
6 coordinated with and linked to existing state plans and
7 national priorities, focusing on evidence-based programs and
8 population-based efforts that specifically address social and
9 environmental policy strategies.

10 (4) Subject to the availability of funds, the
11 Department of Health may award funding to county health
12 departments for purposes of improving individual and community
13 health by expanding and improving the health infrastructure
14 through environmental and policy changes aimed specifically at
15 preventing and reducing the impact of chronic diseases and
16 promoting healthy lifestyles.

17 (5) To be eligible to receive funding under this
18 section, a county health department shall submit an
19 application to the secretary of the Department of Health
20 containing information as required, including:

21 (a) A description of the proposed activities and how
22 they promote tobacco cessation, healthy eating, or physical
23 fitness and address the health and social consequences to
24 residents of this state that have chronic diseases.

25 (b) Information describing how health promotion and
26 education activities are to be coordinated at the local level
27 with other health activities conducted by other education,
28 health, and agricultural agencies.

29 (c) Information describing how local health promotion
30 and education activities reflect state and national objectives
31 for health.

1 (d) A description of the collaborative process that
2 the county health department employed in the development of
3 the health promotion and education program, including
4 consultations with individuals and organizations with
5 expertise in promoting public health, nutrition, or physical
6 activity.

7 (e) A description of how the county health department
8 will evaluate the effectiveness of its program.

9 (6) Subject to the availability of funds, a county
10 health department receiving funds under this section shall,
11 pending successful implementation or evaluation as determined
12 by department headquarters staff, conduct the project for at
13 least a period of 3 consecutive years.

14 (7) A county health department that receives funds
15 under this section may use the funds to carry out one or more
16 of the following activities:

17 (a) Collect, analyze, and disseminate data related to
18 diabetes, heart disease, stroke, asthma, and cancer, with a
19 focus on the preventable risk factors of tobacco use, physical
20 inactivity, and poor nutrition.

21 (b) Develop and implement activities to create a
22 comprehensive, coordinated nutrition and physical fitness
23 awareness and chronic disease prevention program.

24 (c) Develop and implement programs in schools and
25 worksites to increase physical fitness and to enhance the
26 nutritional status of residents of this state.

27 (d) Develop and implement policy and environmental
28 changes related to the cessation of tobacco, healthful
29 nutrition, and physical education.

30 (e) Collaborate with community-based organizations,
31 volunteer organizations, state medical associations, and

1 public health groups to develop and implement health education
2 and promotion activities.

3 (f) Collaborate with public and private organizations
4 that have a mission to increase public awareness of the
5 importance of a balanced diet and an active lifestyle.

6 Section 9. Section 945.601, Florida Statutes, is
7 amended to read:

8 945.601 Correctional Medical Authority; ss.
9 945.601-945.6038;~~945.601-945.6035~~, definitions.--As used in
10 this act:

11 (1) "Authority" means the State of Florida
12 Correctional Medical Authority created in this act.

13 (2) "Health care provider" means:

14 (a) A regional research hospital or research center
15 which is authorized by law to provide hospital services in
16 accordance with chapter 395, which has a contractual or
17 operating arrangement with a regional school of medicine, and
18 which is located at that regional school of medicine;

19 (b) Any entity which has agreed to provide hospital
20 services to inmates in the Department of Corrections; or

21 (c) Any entity licensed to provide hospital services
22 in accordance with chapter 395.

23 (3) "Project" means any structure, facility,
24 machinery, equipment, or other property suitable for use by a
25 health facility in connection with its operations or proposed
26 operations, including, without limitation, real property
27 therefor; a clinic, computer facility, dining hall,
28 firefighting facility, fire prevention facility, long-term
29 care facility, hospital, interns' residence, laboratory,
30 laundry, maintenance facility, nurses' residence, office,
31 parking area, pharmacy, recreational facility, research

1 facility, storage facility, utility, or X-ray facility, or any
2 combination of the foregoing; and other structure or facility
3 related thereto or required or useful for health care
4 purposes, the conducting of research, or the operation of a
5 health facility, including a facility or structure essential
6 or convenient for the orderly conduct of the health facility
7 and other similar items necessary or convenient for the
8 operation of a particular facility or structure in the manner
9 for which its use is intended. "Project" does not include such
10 items as fuel, supplies, or other items which are customarily
11 deemed to result in a current operating charge.

12 (4) "Quality management program" means to monitor and
13 evaluate inmate health care and includes the following
14 objectives:

15 (a) Assuring that all inmates receive appropriate and
16 timely services in a safe environment.

17 (b) Assuring systematic monitoring of the treatment
18 environment.

19 (c) Assisting in the reduction of professional and
20 general liability risks.

21 (d) Enhancing efficient utilization of resources.

22 (e) Assisting in credential review and privilege
23 delineation.

24 (f) Enhancing the identification of continuing
25 educational needs.

26 (g) Facilitating the identification of strengths,
27 weaknesses, and opportunities for improvement.

28 (h) Facilitating the coordination and integration of
29 information systems.

30 (i) Assuring the resolution of identified problems.

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1 (5) "Real property" includes all lands, including
2 buildings, structures, improvements, and fixtures thereon; any
3 property of any nature appurtenant thereto or used in
4 connection therewith; and every estate, interest, and right,
5 legal or equitable, therein, including any such interest for a
6 term of years.

7 Section 10. Section 945.6038, Florida Statutes, is
8 created to read:

9 945.6038 Additional services.--The authority is
10 authorized to enter into an agreement or may contract with the
11 Department of Children and Family Services, subject to the
12 availability of funding, to conduct surveys of medical
13 services and to provide medical quality assurance and
14 improvement assistance at secure confinement and treatment
15 facilities for persons confined under part V of chapter 394.
16 The authority may enter into similar agreements with other
17 state agencies, subject to the availability of funds. The
18 authority may not enter into any such agreement if doing so
19 would impair the authority's ability to fulfill its
20 obligations with regard to the Department of Corrections as
21 set forth in this chapter.

22 Section 11. Present subsection (2) of section 381.005,
23 Florida Statutes, is redesignated as subsection (3), and a new
24 subsection (2) is added to that section, to read:

25 381.005 Primary and preventive health services.--

26 (2) Between October 1, or earlier if the vaccination
27 is available, and February 1 of each year, subject to the
28 availability of an adequate supply of the necessary vaccine,
29 each hospital licensed pursuant to chapter 395 shall implement
30 a program to offer immunizations against the influenza virus
31 and pneumococcal bacteria to all patients age 65 or older, in

1 accordance with the recommendations of the Advisory Committee
2 on Immunization Practices of the United States Centers for
3 Disease Control and Prevention and subject to the clinical
4 judgment of the responsible practitioner.

5 Section 12. This act shall take effect upon becoming a
6 law.

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8 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
9 COMMITTEE SUBSTITUTE FOR
10 CS for SB 2216

10

11 Requires hospitals to implement a program to offer
12 immunizations against the influenza virus and pneumococcal
13 bacteria, subject to availability of an adequate supply, to
14 all patients age 65 and older.

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