

House Bill No. 1863

An act relating to health; amending and renumbering s. 216.341, F.S.; exempting Department of Health positions funded by certain trust funds from certain authorization provisions; amending s. 381.0066, F.S.; extending the period for a certain additional fee for purposes of research on onsite sewage treatment and disposal systems; amending s. 383.14, F.S.; authorizing the adoption of rules relating to the newborn screening program; revising a fee; providing authority to bill third-party payors for newborn screening tests; amending s. 385.207, F.S.; correcting the name of a certain official; continuing use of the Epilepsy Services Trust Fund for epilepsy case management services; limiting administrative expenditure from the fund; creating s. 391.310, F.S.; creating the Florida Infants and Toddlers Early Intervention Program; requiring the Department of Health to work with other agencies to implement a certain federal program; amending s. 464.0195, F.S.; providing that revenues collected from nurses in excess of required fees be transferred to a specified trust fund; providing an effective date.

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

Section 1. Section 216.341, Florida Statutes, is renumbered as section 216.2625, Florida Statutes, and amended to read:

216.2625 ~~216.341~~ Disbursement of Department of Health ~~county health department~~ trust funds; appropriation of authorized positions.—

(1) Funds from the County Health Department Trust Fund ~~County health department trust funds~~ may be expended by the Department of Health for the respective county health departments in accordance with budgets and plans agreed upon by the county authorities of each county and the Department of Health.

(2) The requirement limitations on appropriations ~~provided in s. 216.262(1) that the total number of authorized positions must be appropriated~~ shall not apply to Department of Health positions funded by:

(a) The County Health Department Trust Fund; or ~~County health department trust funds~~

(b) The United States Trust Fund.

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

381.0066 Onsite sewage treatment and disposal systems; fees.—

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

(k) Research: An additional \$5 fee shall be added to each new system construction permit issued ~~during fiscal years 1996-2004~~ to be used to fund ~~for~~ onsite sewage treatment and disposal system research, demonstration, and training projects. Five dollars from any repair permit fee collected under this section shall be used for funding the hands-on training centers described in s. 381.0065(3)(j).

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

Section 3. Subsection (2) and paragraph (g) of subsection (3) of section 383.14, Florida Statutes, are amended, and paragraph (h) is added to subsection (3) of said section, to read:

383.14 Screening for metabolic disorders, other hereditary and congenital disorders, and environmental risk factors.—

(2) RULES.—After consultation with the Genetics and Infant Screening Advisory Council, the department shall adopt and enforce rules requiring that every infant born in this state shall, prior to becoming 2 weeks of age, be subjected to a test for phenylketonuria and, at the appropriate age, be tested for such other metabolic diseases and hereditary or congenital disorders as the department may deem necessary from time to time. After consultation with the State Coordinating Council for School Readiness Programs, the department shall also adopt and enforce rules requiring every infant born in this state to be screened for environmental risk factors that place children and their families at risk for increased morbidity, mortality, and other negative outcomes. The department shall adopt such additional rules as are found necessary for the administration of this section and s. 383.145, including rules providing definitions of terms, rules relating to the methods used and time or times for testing as accepted medical practice indicates, rules relating to charging and collecting fees for the administration of the newborn screening program ~~screenings~~ authorized by this section, and rules requiring mandatory reporting of the results of tests and screenings for these conditions to the department.

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

(g) Have the authority to charge and collect fees for the administration of the newborn screening program ~~screenings~~ authorized in this section, as follows:

1. A fee not to exceed \$15 ~~of \$20~~ will be charged for each live birth, as recorded by the Office of Vital Statistics, occurring in a hospital licensed under part I of chapter 395 or a birth center licensed under s. 383.305, ~~up to 3,000 live births per licensed hospital per year or over 60 births per birth center per year~~. The department shall calculate the annual assessment for each hospital and birth center, and this assessment must be paid in equal amounts quarterly. Quarterly, the department shall generate and mail to each hospital and birth center a statement of the amount due.

2. As part of the department's legislative budget request prepared pursuant to chapter 216, the department shall submit a certification by the department's inspector general, or the director of auditing within the inspector general's office, of the annual costs of the uniform testing and reporting procedures of the infant screening program. In certifying the annual costs, the department's inspector general or the director of auditing within the inspector general's office shall calculate the direct costs of the uniform testing and reporting procedures, including applicable administrative costs. Administrative costs shall be limited to those department costs which are reasonably and directly associated with the administration of the uniform testing and reporting procedures of the infant screening program.

(h) Have the authority to bill third-party payors for newborn screening tests.

All provisions of this subsection must be coordinated with the provisions and plans established under this chapter, chapter 411, and Pub. L. No. 99-457.

Section 4. Paragraph (a) of subsection (2) and subsection (6) of section 385.207, Florida Statutes, are amended, and subsection (7) is added to said section, to read:

385.207 Care and assistance of persons with epilepsy; establishment of programs in epilepsy control.—

(2) The Department of Health shall:

(a) Establish within the office of the Deputy State Health Officer Assistant Secretary for Health a program for the care and assistance of persons with epilepsy and promote and assist in the continued development and expansion of programs for the case management, diagnosis, care, and treatment of such persons, including required pharmaceuticals, medical procedures, and techniques which will have a positive effect in the care and treatment of persons with epilepsy.

(6) ~~For the 2003-2004 fiscal year only, Funds in the Epilepsy Services Trust Fund may be appropriated for epilepsy case management services. This subsection expires July 1, 2004.~~

(7) The department shall limit total administrative expenditures from the Epilepsy Services Trust Fund to 5 percent of annual receipts.

Section 5. Section 391.310, Florida Statutes, is created to read:

391.310 Florida Infants and Toddlers Early Intervention Program.—The Department of Health is authorized to implement and administer part C of the federal Individuals with Disabilities Education Act, which shall be known as the “Florida Infants and Toddlers Early Intervention Program.” The department, jointly with the Department of Education, shall prepare annually a grant application to the United States Department of Education for funding for early intervention services for infants and toddlers with disabilities, ages birth through 36 months, and their families pursuant to part C of the federal Individuals with Disabilities Education Act.

Section 6. Subsection (3) of section 464.0195, Florida Statutes, is amended to read:

464.0195 Florida Center for Nursing; goals.—

(3) The Board of Nursing shall include on its initial and renewal application forms a question asking the nurse to voluntarily contribute to funding the Florida Center for Nursing in addition to paying the fees imposed at the time of licensure and licensure renewal. Revenues collected from nurses over and above the required fees shall be transferred from the Medical Quality Assurance Trust Fund to deposited in the Florida Center for Nursing Trust Fund and shall be used solely to support and maintain the goals and functions of the center.

Section 7. This act shall take effect July 1, 2004.

Approved by the Governor May 25, 2004.

Filed in Office Secretary of State May 25, 2004.