

/\* Florida's administrative code on communicable disease follows. \*/

10D-3.061 Definitions. When used in Chapter 10D-3, the following terms shall mean:

(1) "Carrier" -

(a) A person who harbors pathogenic organisms of a communicable disease but who does not show clinical evidence of the disease and has not shown any such evidence for the ninety-day period immediately prior to the discovery of the pathogenic organisms; or

(b) A person to whom evidence points as the source of one (1) or more cases of any communicable disease but who refuses to submit clinical specimens to the HRS county public health unit or Department for examination; or

(c) A person who, in the judgment of the HRS county public health unit director/administrator or his designated representative, is found to be a suspect carrier and who refuses to submit to examination when ordered to do so for good cause shown by HRS county public health unit director/administrator; or

(d) A person reported to the HRS county public health unit or the State Health Office to be a carrier by the health authorities of any municipality, county, or state in the United States, of any foreign nation or of any international organization of which the United States is a member,

(2) "Case" - An instance of a notifiable disease or condition in a person or animal,

(3) "Communicable Disease" - An illness due to a specific infectious agent or its toxic products which arises through transmission of that agent or its products from a reservoir to a susceptible host either directly as from an infected person or animal or indirectly, through an intermediate plant or animal host, vector or the inanimate environment.

(4) "Contact" - A person or animal that has been in such association with an infected person or animal or a contaminated environment as to have had opportunity to acquire the infection.

(5) "HRS county public health unit" - Local public health unit, State of Florida, as authorized in Chapter 154, F.S.

(6) "County Public Health Unit Director/Administrator" - The director of an HRS county public health unit as defined in Section 154.04, F. 5.

(7) "Department" - The Department of Health and Rehabilitative Services,

State of Florida, as created in Section 20.19, F.S.

(8) "Department of Health and Rehabilitative Services" - The Department of Health and Rehabilitative Services, State of Florida, as created in Section 20.19, F.S.

(9) "Designated Representative" - The person officially named by the HRS county public health unit director/administrator or the State Health Officer to represent and to carry out the functions of the HRS county public health unit or the State Health Office, respectively, in the absence of the HRS county public health unit director/administrator or State Health Officer.

(10) "District Administrator" - The chief administrative official appointed by the secretary of the Department in each HRS service district as authorized in Section 20.19(4)(a), F.S.

(11) "Epidemic" or "Outbreak" - The occurrence in persons in a community, institution, region, or other defined area of a group of cases of an illness of similar nature clearly in excess of normal expectancy.

(12) "Epizootic" - The occurrence in animals in a community, institution, region or other defined area of a group of cases of an illness of similar nature in excess of normal expectancy.

(13) "Exposure to Rabies" - An action whereby a potentially rabid animal has bitten, scratched or put its saliva in contact with the mucous membrane or an open lesion of another animal or human.

(14) "HRS District" - An operational unit of organization composed of one (1) or more counties through which the Department administers its programs of health, social and rehabilitative services as authorized in Section 20.19(4)(a), F.S.

(15) "Health Authorities" - Any HRS county public health unit director/administrator or the State Health Officer or their designated representatives; any chief health official of any municipality, county, or state in the United States, of any foreign nation or of any international organization of which the United States is a member.

(16) "State Health Office" - The Central State Health Office within the Department of Health and Rehabilitative Services, State of Florida, responsible for the planning and development of all health programming as established in Section 20.19(3)(c)2.c., F.S.

(17) "State Health Officer" - The highest official appointed by the secretary of the Department as program staff director in the State Health Office as authorized in Section 20.19(3)(c)l., F.S.

(18) "Household Contact" - Any person who lives in the same dwelling unit

with a case or carrier. Considering the disease in question, at the discretion of the HRS county public health unit director/administrator, other persons who are in frequent close association with the case or with other household members may be considered a household contact.

(19) "institution" - An established organization or corporation having a social, educational, or religious purpose, e.g., school, hospital, child care facility, etc.

(20) "Medical Examiner" - A practicing physician in pathology appointed pursuant to Section 406.06, F.S., whose responsibility it is to determine the cause and circumstances of deaths listed in Section 406.11, F.S.

(21) "Morbidity Level" - The amount of a disease condition in a given area.

(22) "Notifiable Disease" - A communicable disease or condition of public health significance required to be reported in accordance with these Rules.

(23) "Notification" - A written or verbal report as required by any section of these Rules.

(24) "Outbreak" - Refer to definition of "Epidemic".

(25) "Public Preschool Center" - A public preschool center, consisting of one or more classes, is one in which a program is provided in grades other than K- 12 for pre-kindergarten aged children and which is administered by a Florida public school system,

(26) "Quarantine" - See Rule 10D-3.08 1(1),

(27) "School" - Any facility, public or non-public, operating under Florida Statutes as a school.

(28) "Secretary" - The head of the Department of Health and Rehabilitative Services appointed by the Governor of the State of Florida as authorized in Section 20.19(2)(a), F.S,

(29) "Sensitive Situation" - See Rule 10D-3.093.

(30) "Source of Infection" - The person, animal, object or substance from which an infectious agent passes directly to the host.

(31) "Suspect" - A person whose medical history and symptoms suggest that he may have or may be developing a notifiable or other communicable disease condition.

10D-3.062 Notifiable Diseases or Conditions to Be Reported, Human.

(1) The following notifiable diseases or conditions are declared as dangerous to the public health. The occurrence or suspected occurrence of these diseases listed in Rule 10D-3.062, except cancer and carriers of certain diseases listed in Rule 10D-3.091 in any person or persons affected at the time of death, shall be reported by the attending practitioner to the HRS county public health unit director/administrator as defined in Rule 10D-3.076. Such reports shall be made within 48 hours of recognition by telephone or in writing, except for certain specified diseases as indicated below by a (T) which shall be reported immediately by telephone. Exceptions to the reporting time frames required as defined by this rule are provided for syphilis, as indicated in 10D-3.097(3), and AIDS, as indicated in 10D-3.098(l)(a)l., 2. Cancer cases treated in hospitals shall be reported to the Florida Cancer Data System as required by 385.202, F.S.

- (a) Acquired Immune Deficiency Syndrome (AIDS)
- (b) Amebiasis
- (c) Animal Bite to humans only by a potentially rabid animal
- (d) Anthrax (T)
- (e) Botulism,(T)
- (f) Brucellosis
- (g) Campylobacteriosis
- (h) Chancroid
- (i) Cryptosporidiosis
- (j) Dengue
- (k) Diphtheria (T)
- (l) Encephalitis
- (m) Giardiasis (acute)
- (n) Gonorrhea
- (o) Granuloma Inguinale
- (p) Haemophilus Influenzae Type b invasive disease
- (q) Hansen's Disease (Leprosy)
- (r) Hemorrhagic Fever (T)
- (s) Hepatitis

- (t) Histoplasmosis
- (u) Lead Poisoning
- (v) Legionnaire's Disease
- (w) Leptospirosis
- (x) Lyme Disease
- (y) Lymphogranuloma Venereum
- (z) Malaria
- (aa) Measles (T)
- (bb) Meningitis
- (cc) Meningococcal Disease
- (dd) Mercury Poisoning
- (ee) Mumps
- (ff) Paralytic Shellfish Poisoning (T)
- (gg) Pertussis
- (hh) Pesticide Poisoning
- (ii) Plague (T)
- (jj) Poliomyelitis (T)
- (kk) Psittacosis
- (ll) Rabies
- (mm) Relapsing Fever
- (nn) Rocky Mountain Spotted Fever R. rickettsia
- (oo) Rubella including congenital
- (pp) Salmonellosis
- (qq) Shigellosis
- (rr) Smallpox (T)
- (ss) Syphilis
- (tt) Tetanus

(uu) Toxoplasmosis acute

(vv) Trichinosis

(ww) Tuberculosis

(xx) Tularemia

(yy) Typhoid Fever

(zz) Typhus (T)

(aaa) Vibrio cholera (T)

(bbb) Vibrio Infections

(ccc) Yellow Fever (T)

(ddd) Any disease outbreak in a community, a hospital, or other institution, or a foodborne, or waterborne outbreak as defined in Rule 10D-3.064.

(eee) Cancer (except non melanoma skin cancer)

(fff) Ciguatera

(ggg) Chlamydia trachomatis

(2) The department periodically will list additional diseases and conditions on its reporting forms for which reporting is encouraged but not required.

10D-3.065 Morbidity Level. The HRS county public health unit director/administrator shall determine the amount and kind of notifiable diseases and other disease conditions occurring in his jurisdiction by such methods as are in accord with accepted public health practices.

10D-3.066 Notification by Laboratories.

(l) All records of laboratories which provide evidence suggestive of any notifiable disease shall be made available upon request to representatives of the HRS county public health unit director/administrator or the State Health Officer or to either of their designated representatives or to other specifically-named representatives, of the HRS county public health unit director/administrator or the State Health Officer. Such reporting is done in support of the control of diseases or conditions of public health significance and does not violate patient-provider confidentiality. All laboratory information described herein is confidential and is not open to public

inspection.

(2) HRS county public health unit or State Health Office personnel may contact the patient or the potential contacts so identified from laboratory reports only after consulting with the attending practitioner. All laboratory information herein required is confidential and is not open to public inspection.

10D-3.067 Reports by HRS County Public Health Unit Director/Administrator to the State Health Officer and District Administrator.

(1) Surveillance/investigation Case Reports for Individual Cases - Each HRS county public health unit director/administrator shall submit a disease-specific case report to the State Health Officer and district administrator for each individual case of those diseases on the notifiable disease list which have disease-specific case report forms (the State Health Officer shall distribute a list of the diseases/forms to the HRS county public health unit directors/administrators) as soon as the case investigation is completed. Such reports shall be made on the required forms provided through the department.

(2) Outbreak Reports and Special Reports - If investigation of reports by the HRS county public health unit director/ administrator confirms an outbreak or an epidemic of a notifiable disease or other disease condition or if the HRS county public health unit director/administrator is informed of the occurrence or suspicion of the occurrence of any single case of a notifiable disease which has significant epidemic potential, the HRS county public health unit director/administrator shall report such occurrence or suspicion immediately by telephone to the State Health Officer and district administrator.

(3) Weekly Summary Reports - The HRS county public health unit director/administrator shall prepare and send weekly to the State Health Officer and district administrator a report showing the number of cases of each disease on the notifiable disease list which were reported during the past seven (7) days. Such reports shall be made on the required forms provided through the department.

(4) Form Availability - The form used for these weekly summary reports is available as indicated below:

FORM # HRS-H 2016

EFFECTIVE DATE (Jul91)

TITLE Communicable Disease Morbidity Surveillance Reporting Form (Data Processing Sheet)

AVAILABILITY HRS county public health units (HRS, CPHUs)

10D-3.068 Notifiable Disease Case Report Content. All notifiable disease case reports required by Section 10D-3.062, 10D-3.064, 10D-3.066, and 10D-3.067 shall contain the diagnosis, name, address, age, sex, and date of onset of each case.

10D-3.069 Confidentiality. Information identifying persons or institutions submitted in reports required in these Rules and subsequent correspondence, memoranda, and summary reports emanating from these reports are confidential and shall be made public only when necessary to protect the public health. No report so submitted shall be considered a violation of the confidential relationship between practitioner and patient.

10D-3.071 Death Certificates. The HRS county public health unit director/administrator shall cause all death certificates within his jurisdiction to be examined to identify cases of previously unreported notifiable diseases. Reports of such cases shall be made on the usual report forms and forwarded in the same manner as other reports of cases of such notifiable diseases.

10D-3.072 Records of HRS County Public Health Unit Director/Administrator. The HRS county public health unit director/administrator shall maintain such records on notifiable diseases as required by the State Health Officer.

10D-3.073 Investigation of Case. Upon being notified of a case or suspected case of notifiable disease or an outbreak or an epidemic of a notifiable disease or other disease condition, the HRS county public health unit director/administrator shall take action as required in these Rules, and additionally as he deems necessary. If the nature of the disease and the circumstances warrant, he shall make or cause to be made an examination of the patient to verify the diagnosis, make an investigation to determine the source of infection, and take other appropriate action to prevent or control the spread of the disease.

(1) Suspected Source Outside County but Within Florida - If the disease is one in which identification of the source of infection is important, and if



the source of infection is thought to be outside the county in which the case is reported but within Florida, the HRS county public health unit director/administrator shall notify within 24 hours by telephone or in writing the District Administrator and the HRS county public health unit director/administrator in whose county it is thought the source of infection is located.

(2) Suspected Source in Another State or Country

(a) If the source of infection is thought to be outside Florida, the HRS county public health unit director/administrator shall notify the State Health Officer and District Administrator. The State Health Officer shall notify within 24 hours by telephone or in writing the Director of the State Health Agency in whose jurisdiction it is thought the source of the infection is located.

(b) If the source of infection is thought to be in another country, the report shall be made to the State Health Officer for transmittal to the Centers for Disease Control (CDC).

(3) Exposed Persons Outside Jurisdiction -Notification as described in Section 10D-3.073(l) and (2) shall be given if there are believed to be exposed persons requiring identification and follow-up outside the jurisdiction of the HRS county public health unit director/administrator in which the case was reported.

10D-3.074 Authority, HRS County Public Health Unit Director/Administrator and State Health Officer.

(1) In addition to the authority granted elsewhere in this chapter, the State Health Officer or his designated representative, subject to approval of the Secretary of the Department, or the HRS county public health unit director/ administrator, or his designated representative, shall have the authority to give public notice of quarantine as defined in Section 10D-3.081 and to initiate or terminate conditions of quarantine for purposes of controlling the spread of notifiable diseases or other disease conditions.

(2) The HRS county public health unit director/administrator, the State Health Officer, or either of their designated representatives shall have the authority to visit all premises upon which a person or persons or animals are quarantined to assure that provisions of this Chapter and his orders applicable to the cases involved are observed.

10D-3.075 Enforcement, HRS County Public Health Unit Director/Administrator and State Health Officer. The HRS county public health unit director/administrator, or the State Health Officer or either of

their designated representatives are authorized to resort to necessary legal proceedings for the control of notifiable diseases or other disease conditions as provided for in Section 381.031 F. 5. to accomplish the following:

- (1) Compliance of persons who refuse to submit themselves or others for whom they are responsible including their animals to necessary inspection, examination, treatment, sacrifice of the animal, or quarantine.
- (2) To overcome resistance or opposition to actions of individuals, local authorities, or state authorities in the control of communicable disease.
- (3) To prevent and prohibit the removal, mutilation or defacing of posted warnings or notices used for quarantine or other measures taken to control the spread of communicable disease.
- (4) To insure the reporting of notifiable diseases or other disease conditions as required in these Rules.

#### 10D-3.076 Who Shall Report.

- (1) Reports required by Sections 10D-3.062 and 10D-3.064 shall be made to the HRS county public health unit director/ administrator by any attending practitioner, licensed or otherwise permitted in Florida to practice medicine, osteopathic medicine, chiropractic, naturopathy, or veterinary medicine, who diagnoses or suspects the existence of any disease on the notifiable disease list as required in Section 381.231(1) F.S. or by the medical examiner as defined in Section 406.11 F.S. in cases of unattended deaths.
- (2) In addition to others who are required to report notifiable diseases by other Chapters of the Florida Administrative Code or Florida statutes, the following are requested to notify the HRS county public health unit director/administrator of the name and address of any person in his or her family, care, employ, class, jurisdiction, custody or control, who is suspected of being afflicted with a notifiable disease although no practitioner, as in Section 10D-3.076(l) above has been consulted:
  - (a) Every parent, guardian, householder; every nurse, every midwife; every superintendent, principal, teacher or counselor of a public or private school; every administrator of a public or private institution of higher learning; owner, operator. or teacher of a child care facility; laboratory owner or operator; owner or manager of a dairy, restaurant, or food storage, food-processing establishment or food outlet; superintendent or manager of a public or private camp, home or institution; director or supervisor of a military installation, military or Veterans Administration Hospital, jail, or

juvenile detention center.

#### 10D-3.077 Reports, Hospitals.

(1) The chief administrative officer of each civilian hospital shall (and the United States military and Veterans Administration Hospitals are requested to) appoint an individual from the staff, hereinafter referred to as "reporting officer," who shall be responsible for reporting cases or suspect cases of diseases on the notifiable disease list in persons admitted to, attended to, or residing in the facility (cf. Notification by Laboratories, Section 10D-3.066).

(2) Such case reports (except cancer) shall be made to the HRS county public health unit director/administrator within 48 hours of recognition or suspicion by telephone preferably, or in writing. Exceptions to the reporting time frames required as defined by this rule are provided for syphilis, as indicated in 10D-3.097(3) and AIDS as indicated in 10D-3.098( 1 )(a) 1., 2.

(3) Reporting of a case or suspect case of notifiable disease by a hospital shall not be considered as violating patient-provider confidentiality and such information received by the Department is confidential as per Section 10D-3.069. Reporting of a case or suspect case of notifiable disease by a hospital fulfills the requirements of the attending practitioner to report; however, it is the responsibility of the attending practitioner to ensure that the report is made as stipulated in Section 10D-3.062.

(4) Cancer cases shall be reported to the Florida Cancer Data System as required by 385.202, F.S.

10D-3.093 Sensitive Situations. A sensitive situation is defined as a setting in which the presence of a person or animal infected with or suspected of being infected with a notifiable or other communicable disease or condition which may significantly affect public health would therefore, constitute a public health hazard. The HRS county public health unit director/administrator, or the State Health Officer, or either of their designated representatives shall prohibit such person or animal from being present in such situations. Locations which give rise to sensitive situations may include but are not limited to schools, child care centers, hospital and other patient care facilities, food storage facilities, food-processing establishments, food outlets, or places of employment. The prohibition shall be placed in effect and shall remain in effect until the situation no longer represents a public health hazard as determined by the HRS county public health unit director/administrator, or the State Health Officer, or either of their designated representatives.

### 10D-3.094 Control of Sexually Transmissible

Disease - General. This rule prescribes prevention and control measures relating to the designation of diseases as sexually transmissible diseases, reporting, partner notification, blood testing of pregnant women and enforcement and penalties.

10D-3.095 Definitions. For the purposes of this chapter, the following words and phrases shall have the meanings indicated:

(1) "AIDS" - Acquired Immunodeficiency Syndrome as defined by the Centers for Disease Control of the United States Public Health Service. The definition for AIDS is found in Volume 36, No 15, pages 15 through 45 of the Morbidity and Mortality Weekly Report, published August 14, 1987, by the Centers for Disease Control, Atlanta, Georgia, 30333, and is hereby incorporated by reference into this rule.

(2) Approved Laboratory - A laboratory approved by the Department of Health and Rehabilitative Services under Part I of Chapter 483, Florida Statutes.

(3) Authorized Representative - A person designated by a HRS county public health unit director/administrator or State Health Officer to represent or carry out the functions of the department with regard to the control of sexually transmissible diseases.

(4) Chancroid - An acute, localized, genital infection characterized clinically by single or multiple painful ulcers at the site of infection, frequently accompanied by swelling of the lymph nodes caused by the infectious agent *Haemophilus ducreyi*, as described in the International Classification of Diseases.

(5) Confidentiality - The protection of private and sensitive information held by the department and its authorized representatives.

(6) Partner Notification - Interviewing, counseling, education, and investigation activities, conducted by authorized representatives of the department, of persons who are infected or suspected of being infected with a sexually transmissible disease.

(7) HRS County Public Health Unit - Agencies designated in Chapter 154, F.S., for the delivery of public health services.

(8) Department - The Department of Health and Rehabilitative Services.

(9) Gestation - The carrying of fetus in the uterus.

(10) Gonorrhoea - a sexually transmitted disease caused by the infectious agent *Neisseria gonorrhoea*, as described in the International Classification of Diseases.

(11) Granuloma Inguinale - a mildly communicable, nonfatal, chronic and progressive bacterial disease of the skin and mucous membranes of the external genitalia, inguinale and anal region caused by the infectious agent *Donovania granulomatis*, as described in the International Classification of Diseases.

(12) "HIV" Human Immunodeficiency Virus - The virus that has been isolated and identified as the causative agent of AIDS, also referred to as HIV-I.

(13) Lymphogranuloma Venereum - A sexually transmitted infection beginning with a small painless erosion, papule, nodule or lesion on the penis or vulva, frequently unnoticed, caused by the infectious agent *Chlamydia trachomatis*, as described in the International Classification of Diseases.

(14) Midwife - A person, licensed under Chapter 464, F.S., or Chapter 467, F.S., who assists women in childbirth.

(15) Physician - A medical doctor or doctor of osteopathy licenced under the provision of Chapter 458. F.S., or Chapter 459, F.S.

(16) Source of Disease - The person from whom an infectious agent passes to another person.

(17) Syphilis - A sexually transmitted disease caused by the infectious agent *Treponema pallidum*, characterized by a primary lesion, a secondary eruption involving skin and mucous membranes, long periods of latency, and late lesions of the skin, bone, viscera and the central nervous and cardiovascular systems, as described in the International Classification of Diseases.

(18) Venous Blood - Blood drawn from the veins.

(19) Working Days - Means Monday through Friday excluding official holidays observed by the State of Florida.

(20) *Chlamydia trachomatis* infection

#### Clinical Description

Infection with *Chlamydia trachomatis* may result in urethritis, epididymitis, cervicitis, acute salpingitis, or other syndromes when sexually transmitted. Perinatal infections may result in inclusion conjunctivitis and pneumonia among newborns. Other syndromes caused by *C. trachomatis* include lymphogranuloma venereum and trachoma.

#### Laboratory criteria for diagnosis

- (a) Isolation of *C. trachomatis* by culture, or
- (b) Demonstration of *C. trachomatis* in a clinical specimen by antigen detection methods

#### Case Classification

Confirmed: a case that is laboratory confirmed.

#### 10D-3.096 Diseases Designated as Sexually Transmissible Diseases.

(1) The following diseases are designated as sexually transmissible diseases for the purposes of Chapter 384, F.S., and this rule:

- (a) Acquired Immunodeficiency Syndrome
- (b) Chancroid
- (c) Gonorrhea
- (d) Granuloma Inguinale
- (e) Human Immunodeficiency Virus Infection
- (f) Lymphogranuloma Venereum
- (g) Syphilis
- (h) Chlamydia Trachoniatis

(2) The department finds that the diseases designated in subsection (1) are sexually transmissible and constitute a threat to the public health and welfare of residents and visitors to the state. The provision of regulation for these diseases will serve a legitimate public interest by allowing the department and its HRS county public health units to monitor the incidence of disease and provide appropriate disease intervention activities that will result in treatment, the interruption of disease transmission, and reduction of the incidence of disease-related complications.

#### 10D-3.098 Reporting Requirements for Physicians for HIV and AIDS.

(1) Reporting of cases of HIV infection and AIDS by physicians who make a diagnosis of or treat a person with HIV infection or AIDS shall be as follows:

- (a) Confirmed HIV infected patients who have not been diagnosed with AIDS shall be reported to the department provided the HIV infected patient voluntarily consents to be reported to the department by name and

name identifiers to enable the department to assist the HIV infected patient in notifying sex and needle-sharing partners.

1. The time within which the report must be submitted shall be 24 hours after consent to be reported has been obtained.

2. Reports shall be completed and submitted on HRS Form 720 (effective 7-5-87) as directed in 10D-3.097(2) - (5).

(b) All cases of AIDS which meet the Centers for Disease Control Case Definition of AIDS shall be reported. Reporting shall be as follows:

1. The form, Acquired Immunodeficiency Syndrome Confidential Case Report (CDC 50.42A Rev. 6-89 or CDC 50.42B Rev. 9-89) upon which the AIDS case will be reported shall be furnished by the department or the local HRS county public health unit and incorporated by reference into this rule.

Identifying information required on the form is:

- a. Patient's name
- b. Address
- c. Date of birth
- d. Current vital status
- e. Sex
- f. Race
- g. County of residence at diagnosis
- h. Diagnosing hospital
- i. Disease
- j. Method of diagnosis
- k. Other underlying diseases
- l. Known causes of reduced resistance
- m. Social and risk factors
- n. Laboratory data
- o. Name and address of the physician submitting the report.

2. The report must be submitted within two (2) weeks after diagnosis. Reports shall be submitted to the HRS county public health unit which, in turn, shall submit case reports within two (2) weeks to the department.

(2) HIV and AIDS reports shall be submitted in an envelope plainly marked "Confidential" and sealed with tape.

#### 10D-3.100 Partner Notification.

(1) The department and its authorized representatives, when deemed necessary to protect public health, shall interview, or cause to be interviewed, all persons infected or suspected of being infected with a sexually transmissible disease.

(2) All information gathered in the course of partner notification shall be confidential and subject to the provisions of 384.29, F.S.

(3) In every case where partner notification is initiated, the authorized representative of the department shall first attempt, by telephone or other means, to consult with the physician submitting the report of a sexually transmissible disease before initiating steps to interview the patient or cause the patient to be interviewed.

#### 10D-3.102 Enforcement and Penalties.

(1) Any person who does not comply as required by subsection 10D-3.097, 3.098, and 3.099 of this rule shall be fined by the department up to \$500 for each offense.

(2) In determining the amount of fine to be levied for a violation as provided in paragraph (1), the following factors shall be considered:

(a) A history of late, infrequent, or non-reporting by each physician or midwife who makes a diagnosis of or treats a person with a sexually transmissible disease and each laboratory that performs a test for a sexually transmissible disease which concludes with a positive test.

(b) The severity of the violation, including the probability that transmission of the disease will be spread to other persons or serious harm to the health of any person will result or has resulted.

(c) Actions taken by the physician or midwife, and each laboratory, to correct the violation or to remedy the complaints.

(d) Any previous violations of the physician, midwife or laboratory.

(e) All amounts collected pursuant to this section shall be deposited in the HRS county public health unit trust fund.