

**STORAGE NAME:** h1357.hcs

**DATE:** March 12, 1997

**HOUSE OF REPRESENTATIVES  
COMMITTEE ON  
HEALTH CARE SERVICES  
BILL ANALYSIS & ECONOMIC IMPACT STATEMENT**

**BILL #:** HB 1357

**RELATING TO:** Public Health Programs

**SPONSOR(S):** Committee on Health Care Services

**STATUTE(S) AFFECTED:** Sections 20.43, 28.101, 28.222, 63.062, 63.165, 68.07, 110.1125, 110.131, 154.04, 154.06, 216.341, 232.465, 240.4075, 240.4076, 381.0065, 381.055, 381.0101, 381.0203, 381.0302, 381.0405, 381.0406, 381.04065, 381.0407, 381.698, 381.81, 382.002, 382.003, 382.004, 382.005, 382.006, 382.007, 382.008, 382.011, 382.012, 382.013, 382.0135, 382.014, 382.015, 382.016, 382.017, 382.018, 382.019, 382.021, 382.022, 382.024, 382.025, 382.026, 382.027, 382.356, 383.2161, 383.3362, 385.202, 385.203, 387.01, 387.02, 387.03, 387.04, 387.05, 387.06, 387.07, 387.08, 387.09, 387.10, 392.52, 392.565, 392.62, 395.3025, 395.401, 401.107, 401.111, 401.117, 401.23, 401.245, 401.252, 401.265, 401.27, 402.105, 402.32, 402.321, 402.37, 402.40, 402.41, 402.41, 402.475, 402.60, 402.61, 403.703, 404.031, 404.051, 404.056, 404.0614, 404.131, 404.20, 404.22, 408.033, 408.701, 409.905, 409.908, 414.026, 414.23, 414.38, 458.316, 460.414, 468.301, 468.3101, 468.314, 501.061, 501.065, 501.071, 501.075, 501.081, 501.085, 501.091, 501.095, 501.101, 501.105, 501.111, 501.115, 501.121, 501.124, 514.011, 514.028, 627.4236, 741.041, 741.10, 742.16, 766.101, 766.1115, 766.314, 945.602, F.S.

**COMPANION BILL(S):** SB 552(s) and SB 822(s)

**ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:**

- (1) HEALTH CARE SERVICES YEAS 7 NAYS 1
- (2)
- (3)
- (4)

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**I. SUMMARY:**

This bill makes numerous changes affecting public health programs. In particular:

- ▶ Establishes public health peer review committees and provides liability immunity;
- ▶ Opens the Nursing Scholarship program to part-time students;
- ▶ Requires all environmental health professionals to meet departmental standards;
- ▶ Enables indigent women to purchase contraceptives at reduced rates;
- ▶ Amends and updates Florida's Vital Statistics provisions;
- ▶ Requires ambulatory surgical and radiation therapy centers to report cancer data;
- ▶ Permits departmental examination of minors for TB without parental consent, and the establishment of a forensic unit at A.G. Holley State Hospital;
- ▶ Provides regulation over the interfacility transfer of neonates;
- ▶ Permits travel reimbursement to members of the public swimming pool advisory board;
- ▶ Transfers rulemaking authority with respect to bone marrow transplants to AHCA;
- ▶ Removes NICA assessment for public health physicians;
- ▶ Removes repeal of the Volunteer Health Care Provider Program;
- ▶ Transfer rural health networks, local health councils, and the Correctional Medical Authority to the department;
- ▶ Provides clear statutory authority for: spending funds on health promotion; department inspection of hospital records; public health entity participation in AHPs; Medicaid reimbursement for pregnancy prevention counseling; and county health department Medicaid reimbursement at a cost-based rate;

- ▶ Repeals many terminated, superseded or unimplemented statutes and programs.

## II. SUBSTANTIVE ANALYSIS:

### A. PRESENT SITUATION:

Last year the Legislature created a separate Department of Health. The new department, which came into official existence on January 1st, is composed of the State Health Office and Children's Medical Services Program of the former Department of Health & Rehabilitative Services (now the Department of Children & Family Services). Effective July 1, 1997, examination and licensure of medical professions now located within the Agency for Health Care Administration (AHCA) will also be transferred to the new department (related investigatory functions will remain with AHCA). The act creating the new department also renamed county public health units "county health departments." Because the Act directed statutory revision to prepare a limited revisor's bill to reflect the transfer of functions from HRS to the new department, many statutory references still need to be updated.

The Department of Health is now responsible for the public health system and the delivery of public health services. Most public health services, including many inspection functions, are provided by staff of the 67 county health departments (CHD) across the state. At present, the Department of Health is responsible for: providing family health services which includes acute and episodic care, prenatal and postpartum care, child health services, school health services, dental health services, nutrition services, chronic disease prevention and control, family planning services, childhood immunizations, community health education and promotion; Children's Medical Services; contracting with the county health departments for the provision of public health services provided through the CHDs; conducting a communicable disease and control program which includes disease surveillance and epidemiology, sexually transmissible diseases, tuberculosis, and HIV/AIDS prevention and control; conducting an environmental health program which includes regulation of septic tanks, drinking water (with the Dept. of Environmental Protection), toxic and hazardous substances, sanitary nuisances, clean indoor air, migrant housing, mobile home parks and recreational camps, biohazardous waste, and radiation control; licensing and regulating emergency medical services and maintaining a disaster response program; maintaining state laboratories and a state pharmacy; enforcing Florida's Drug & Cosmetic Act; promoting the recruitment and training of health professionals including the Florida Health Services Corps; providing quality assurance and public health nursing; coordinating the rural health networks; and maintaining the Office of Vital Statistics.

Budget Flexibility - Section 216.301, F.S., requires any undisbursed balance of any appropriation for any given fiscal year to revert to the fund from which it is appropriated and be available for reappropriation by the Legislature. Last year, the Legislature authorized the Dept. of Children & Family Services to retain 20% of any unobligated general revenue and spend it on productivity-enhancing technology or to improve services (Ch. 96-403, s. 21, L.O.F.).

In general, the total number of authorized positions may not exceed the total provided in the appropriations act, s. 216.262, F.S. However, provision is made to permit the Executive Office of the Governor, upon request, to delegate to any state agency authority to add and delete authorized positions. Last year, the 1996-97, General

Appropriations Act, authorized the Department of Juvenile Justice to transfer up to one half of one percent of the total funds provided to establish positions in excess of those authorized (line 916) for fiscal year 1996-97. The department would like similar budget flexibility.

Health promotion - As the chief fiscal officer of the state, the duty of the comptroller is to settle and approve accounts against the state (Art. IV, s. 4(d)). Without clear statutory authority the Comptroller's Office questions any agency expenditure for promotional or advertising purposes unless the funding is from a grant which specifically authorizes such expenditures. The department would like authority to spend state funds on health promotional activities.

HIV/AIDS Education - In 1988, the legislature approved chapter 88-380, L.O.F., the omnibus HIV/AIDS act. One section of the act directed HRS to prepare a informational pamphlet about HIV and AIDS to be distributed by each state agency to each new state employee, 110.1125, F.S. This is not being implemented due to lack of sufficient funding. Further, current HIV/AIDS policy favors targeting education efforts toward at-risk populations.

Public Health Fee Schedules - Section 154.06, F.S., authorizes the Dept. of Health to establish fee schedules for public health services. The statute also contains a provision directing that by July 1, 1985, fees charged must be sufficient to cover the provision of services. However, many regulatory statutes have fees capped at rates less than actual cost preventing department compliance and creating audit exceptions. The department would like to repeal this provision.

Public Health Peer Review & Quality Assurance - The State Health Office and county health departments have for years conducted peer review activities to enhance quality of care. Peer review activities are typically sheltered from public disclosure in order to encourage open communication and to protect patient records. After it was determined that public health peer review proceedings were not protected from public disclosure, s. 381.0055, F.S., was enacted in 1994 granting a public meetings exemption for patient care quality assurance proceedings conducted by the department, county health departments, healthy start coalitions, or rural health networks. Still missing are provisions statutorily authorizing the establishment of public health peer review committees and immunizing such committees from liability (see 766.101, F.S.).

Nursing Scholarship Program - The Legislature established the Nursing Student Loan Forgiveness Program in 1989 (s. 240.4075, F.S.), and the Nursing Scholarship Loan Program in 1992 (s. 240.4076, F.S.), to provide financial assistance to aspiring nurses and to help recruit health professionals to medically under served areas. The Scholarship Loan Program, which only provides scholarships on a full-time basis, has had a difficult time finding prospective candidates since most nursing students attend school part time. In addition, many potential recipients are deterred by the fact that a scholarship default will result in repayment of the scholarship at *three* times the entire amount received *plus* interest accruing from the date of the scholarship payment.

Environmental Health Professionals - Since July 1991, environmental health professionals who conduct onsite sewage system or food inspections must be certified pursuant to s. 381.0101, F.S.. Those employed as health professionals in particular positions at the time the law took effect are considered certified without taking an

examination as long as they don't change positions. However, because, the statute is silent with respect to adherence to professional standards and continuing education requirements, those who were grand fathered in also assume that they do not have to meet these requirements. This has created an inequity between the grand fathered inspectors and those certified under the statute.

In addition, because the statute lacks penalty provisions, the department is hampered in its ability to assure compliance with professional standards.

Finally, the department anticipates requiring certification for up to five different position categories. The way the fee provision currently reads high fees may accumulate for persons wishing to become certified in all areas. The department would like the statute to allow for the imposition of lower rates for persons wishing to become certified in more than one area.

Pharmacy Services - Many women with incomes between 150 and 200% of the poverty level who do not qualify for Medicaid can't afford to purchase contraceptives at retail pharmacy prices. Current statute does not expressly authorize the state pharmacy program to purchase and sell contraceptives to these women at affordable prices, 381.0103, F.S.

Rural Health Networks - In response to limited rural access to health care, the 1991 Legislature established an Office of Rural Health in the State Health Office of HRS, s. 381.0405, F.S. This initiative resulted in the established of the Florida Area Health Education Centers Program (AHEC) which focuses on the recruitment, training and retention of primary care professionals in rural areas. In 1993, the Legislature provided for the development of rural health networks to be implemented by AHCA, s. 381.0406, F.S. The purpose of the networks is to plan, coordinate and deliver health care services to rural state residents.

Primary care program and managed care - Last year the Legislature enacted legislation requiring managed care reimbursement for primary care services provided by publicly funded health facilities, s. 381.0407, F.S. Unfortunately, the statute does not address MediPass reimbursement for emergency shelter medical screenings provided by county health departments.

Florida Blood Transfusion Act - In 1977, the Legislature enacted the Florida Blood Transfusion Act, s. 381.698, F.S. This statute has never been implemented because blood products and blood banks are regulated by the federal Food and Drug Administration under the Food, Drug & Cosmetic Act.

Minority Health Improvement Act - In 1993, the Legislature created the Minority Health Commission, s. 381.81, F.S. Although the two-year term of the Commission ended July 1, 1995, the statute creating the commission has not been repealed.

Vital Statistics - Chapter 382, F.S., provides for the establishment, collection, and regulation of Florida vital records. One of Florida's oldest laws, many provisions need to be updated and clarified. For example, the statute still allows for hand written birth certificates and monthly filing. With the advent of computers, filing is much faster and more efficient than the statute prescribes. Further, the existing law does not accommodate surrogacy, or new procedures for establishing paternity or conducting

adoptions. Birth and death records are closed forever making genealogical research difficult. Under chiropractic practice, practitioners may sign death certificates but this and many other statutory changes are not reflected in the vital statistics law.

Sudden Infant Death Syndrome - In 1993, the Legislature enacted legislation addressing Sudden Infant Death Syndrome (SIDS) to be implemented to the extent funding is provided, s. 383.3362, F.S. Many provisions, including the establishment of the SIDS Advisory Council, county health staff visits to affected families, and the preparation of an annual SIDS report have not been funded and therefore not implemented. Further, there does not appear to be any need for an advisory council because coordination between local SIDS Alliances and the fetal and infant mortality review committees of local Healthy Start Coalitions make the establishment of the council unnecessary and redundant.

Statewide Cancer Registry - Florida has had a statewide Cancer Registry since 1978, s. 385.202, F.S. At the time the registry was established virtually all cancer was treated in hospitals. Today most cancer treatment services have shifted to an outpatient setting resulting in a gap in registry data because, under statute, only hospitals are required to report cancer data.

Diabetes Advisory Council - Present statute requires the department to biennially publish a Diabetes State Plan, s. 385.203, F.S. The department does not do this because funding has not been appropriated to prepare the plan. Further, the Diabetes Advisory Council has not recommended that funds be sought for this purpose.

Pollution of Waters - Many of the provisions of chapter 387, F.S., which regulates the pollution of waters, were enacted in 1913 when the health department had primary responsibility for sewage discharge and the pollution of underground waters. These provisions have been superseded by pt. I of ch. 403, F.S., the Florida Air & Water Pollution Control Act, which places primary responsibility with the Department of Environmental Protection.

Tuberculosis - Chapter 392, F.S., provides for the public health regulation of tuberculosis (TB). The department is proposing several statutory amendments to update current provisions. First, the present definition for "active tuberculosis" is not medically accurate, s. 392.52, F.S.

Second, while county health departments have authority to diagnose and treat minors for sexually transmitted diseases (STD), they do not have authority to administer a TB test without parental permission. As a result obtaining parental consent to a TB test may inadvertently disclose a minor's visit to a STD clinic. The department believes this may have a chilling effect on providing STD treatment to minors suspected of having TB.

Third, A.G. Holly, the state's tuberculosis hospital, houses many non-compliant violent patients who need to be in a secure setting. However, the hospital does not have statutory authority to establish a forensic unit, s. 392.62, F.S. Express authority is needed in order to hire the appropriate personnel.

Hospital Records - Sections s. 395.3025, F.S., governs the handling of hospital patient records. The department has authority to examine these records for epidemiological purposes. Many of the same information found in hospital records is also held by

AHCA. The department would like clear authority to access AHCA records for the same information found in hospital records.

Last year penalties for violating the confidentiality of persons tested for HIV was increased from a 2nd to 1st degree misdemeanor (ss. 381.004 and 384.34, F.S.). However, the penalty for department employees improperly releasing epidemiological information gleaned from hospital records remains a 2nd degree misdemeanor.

Emergency Medical Services - Section 401.252, F.S., governs interfacility transfer of patients in ambulances. In the effort to reduce agency rules provisions governing the transfer of neonates were repealed. Further, the rule may have exceeded current statutory authority.

Also, the department would like to make clear that interfacility transfers must be in a permitted ambulance if the patient is likely to need medical attention during transport.

Medical Manpower Clearinghouse - In 1978, the Legislature enacted s. 402.37, F.S., to authorize HRS to conduct efforts to recruit individual health care providers for relocation in medically under served communities. Because this program has been superseded by the National Health Services Corps, a joint federal-state program (see ss. 240.4067 and 381.0302, F.S.) it is no longer being implemented.

Radiation Regulation - Chapter 404, F.S., governs the regulation of radiation. Pursuant to s. 404.056, F.S., the department is charged with establishing radon standards and certifying persons who perform radon gas inspections. However, the statute provides no penalties for persons who practice fraud, deception, or misrepresentation when measuring radon levels in buildings.

The department has requested statutory fee increases for the last several years to cover the cost of annually inspecting radiation machines. Because these fee increases have been denied, the department would like statutory flexibility to permit some machines, depending on the machine's characteristics and inspection history, to be inspected biennially rather than annually.

The department is also responsible for the certification of radiologic technologists under pt. IV of ch. 468, F.S. Current statute providing disciplinary grounds contains no provision for actions against certified technologists who have been convicted of crimes against persons, s. 468.3101, F.S.

Local and Statewide Health Councils - In 1982 the Legislature created the local health councils and the Statewide Health Council as part of the certificate-of-need program to collect and evaluate data and develop local and statewide health plans, s. 408.033, F.S. In 1992, the councils were transferred to the newly created Agency for Health Care Administration. The councils are funded by application fees for CON and assessments on selected health care facilities collected by AHCA. Due to a lack of appropriation, the Statewide Health Council was disbanded in 1994.

Accountable Health Partnerships - The current definition of health care providers does not include public non-licensed entities and therefore erodes the legality of their present participation in accountable health partnerships, s. 408.701(13), F.S.

Medicaid - Section 409.905(3), F.S., which governs reimbursement for family planning services, a mandated Medicaid service, does not specifically mention counseling about pregnancy prevention methods. Consequently many Medicaid providers assume that they do not have to offer such counseling thereby lessening the availability of this information to Medicaid recipients.

County health departments are reimbursed for Medicaid clients at a cost-based rate. Although this reimbursement system has been continued in the Appropriations Act, the statutory authority for this reimbursement method expired June 30, 1995, s. 409.908(19), F.S.

WAGES Program - Last year the Legislature created the Work & Gain Economic Self-Sufficiency Act (WAGES) program to encourage self-sufficiency and family integrity. As part of that initiative the WAGES program state board of directors was established to oversee the operation of the program and assist in implementation. Included on the board was the secretary of HRS. With the creation of the Dept. of Health, social and health services are no longer concentrated in a single agency.

Hazardous Substances Law - Enacted in 1970, the Florida Hazardous Substances Law, ss. 501.061-.021, F.S., directs the department to require and enforce appropriate labeling of legal substances which the department determines to be hazardous. Never funded, this statute has never been implemented.

Toxic Labeling of Arts and Crafts Material - Similarly, in 1986, the Legislature enacted s. 501.124, F.S., which specifically addressed affixing warning labels on art and craft material containing any toxic substance included in the s. 442.103, F.S. Enforcement authority is vested in the department. Never funded, this statute has never been enforced

Public Swimming Pool Advisory Review Board - The public swimming pool advisory review board has a statutory obligation to recommend rules and review variance requests. Meetings are held in Orlando. It is the only department advisory board with regulatory functions whose members are not reimbursed for travel expenses, s. 514.028, F.S. This limits who can serve on the board.

Bone Marrow Advisory Board - Responsibility for organ and tissue programs was transferred to the Agency for Health Care Administration in 1992 and 1994. However, rule promulgating authority with respect to bone marrow transplants was not transferred and therefore remains with the department, s. 627.4236, F.S.

Birth Neurological Injury Compensation Program (NICA) - Sections 766.301-.316, F.S., establish and regulate the Florida Neurological Injury Compensation program. The purpose of this program is to provide compensation, irrespective of fault, for birth-related neurological injury claims and thus permit physicians to avoid costly medical malpractice premiums. In order to fund this program, all physicians, with certain exceptions, are annually assessed \$250. Among the exceptions are physicians employed by the Dept. of Corrections and state mental health facilities. However, physicians employed by a county health department or the Dept. of Health are not exempted from the assessment.

Volunteer Health Care Provider Program - In 1992, the Legislature enacted s. 766.1115, F.S., which provided a procedure to help ensure that health care providers who provide

uncompensated health care to indigents on behalf of a governmental entity would be included within the state's sovereign immunity umbrella. Part of the bill which created that statute also included a sunset date repealing the statute effective July 1, 1997.

Correctional Medical Authority - In response to the landmark case of *Costello and Celestineo v. Wainwright*, which challenged the adequacy of health care services provided to prison inmates, the Legislature, in 1986, created the Correction Medical Authority (CMA). The purpose of the authority is to monitor the delivery of health care services by the Department of Corrections. While the CMA is administratively housed in the Dept. of Corrections, by statute, it is not subject to the control, supervision, or direction of the department, s. 945.602, F.S.

**B. EFFECT OF PROPOSED CHANGES:**

- > For fiscal year 1997-98 only, the department is authorized to retain 20% of any unobligated general revenue, and transfer up to one half of one percent of total funds to establish additional positions.
- > A new division of "local health planning, Education, and Workforce Development" will be added to the department.
- > The department will be given clear statutory authority to spend state and federal funds for public health promotion, incentives, and advertising.
- > The department will have statutory authority to establish peer review committees and committee members will be immune from civil liability.
- > The Nursing Scholarship program will be open to part time students.
- > All environmental health professionals will be required to meet professional standards and continuing education requirements, penalties for lack of compliance may be imposed, and certification fees can be modified for persons seeking more than one certification.
- > Uninsured indigent women will be able to purchase contraceptives at reduced cost from county health department pharmacies.
- > Responsibility for the development of rural health networks and review of rural health cooperative agreements will reside in the department rather than AHCA.
- > The Florida Vital Statistics Act will be updated, clarified, and amended to: require vital records to be typewritten and transmitted daily to the state office; require burial-transit permits to be signed by the funeral director; recognize out-of-state death certificates for the purpose of permitting final disposition; permit the inclusion of aliases on death certificates; require fetal death attendants to provide medical information within 72 hours; provide conditions for extension of time in filing death certificates; provide for temporary death certificates; distinguish between the presumptive death of residents and non-residents; require presumptive death petitioner to include all needed information in court petition; reduce time allowed for registration of non-facility births; provide for paternity if the husband dies before birth of child; provide for naming a child



when parents disagree; provide for multiple names on a birth certificate; allow for objections to the filing of a new certificate in the case of adoption; provide for notification of Canadian authorities in adoption cases; provide for the issuance of a new certificate following an affirmation of parental status proceeding; provide for the issuance of "certificates of foreign birth"; provide notification of State Department procedures for foreign births; provide for issuance of new certificate upon acknowledgment of paternity; provide for name changes on new certificates; provide for the collection of all copies of original birth certificates upon issuance of new certificate; provide for the amendment of death and fetal death records; prohibit change in name of spouse on death certificates without court order; permit name changes prior to child's first birthday; require court-issued delayed birth certificate petitions to be filed in circuit court; provide for the distribution of copies of delayed certificates; require the original birth certificate to be forwarded to the department and include a list of supporting documentation; prohibit the amendment of court-issued delayed certificates except by court order; require department-issued delayed birth certificates to include a statement of evidence submitted and be notarized; prohibit the registration of a delayed birth certificate for a diseased person; require a delayed certificate be marked "delayed"; require requests for copies of records to be in writing; expand persons who have access to records; permit vital records to be public after certain number of years; require the department to mark a copy of a birth certificate of a deceased person "deceased"; provide a procedure for the release of records for research purposes; increase the penalty for false representation; make it a crime to counterfeit, alter, sell, or possess unlawfully obtained records, or charge for the certification of cause of death; and increase administrative fines for chapter violations.

> Ambulatory surgical centers and freestanding radiation therapy centers will required to provide unreported cancer data to the department.

> County health departments will be permitted to examine adolescents for TB without parental consent, and A.G. Holley State Hospital will be able to establish a forensic unit.

> The department will have clear authority to inspect hospital records held by AHCA, and the penalty for the unauthorized release of information by department agents will increased from a 2nd to 1st degree misdemeanor.

> Patients needing medical attention will be required to be transported in ambulances, present practice with regards to the interfacility transfer of neonates will be incorporated into statute, and the department will be given specific authority to promulgate rules regarding interfacility transfers.

> The department will have authority to impose penalties on persons who practice deception when measuring radon levels in buildings, inspect some radiation machines biennially rather than annually, and initiate disciplinary actions against radiologic technologists who have been convicted of crimes against persons.

> Responsibility for the local health councils will reside with the department rather than AHCA.

> The Secretary of the Dept. of Health will be on the WAGES program state board of directors.

- > Clear statutory authority will be provided for the participation of public non-licensed entities in accountable health partnerships.
- > Clear statutory authority is provided for requiring Medicaid providers to provide counseling about pregnancy prevention methods, and statutory authority will be provided to permit Medicaid reimbursement to county health departments at a cost-based rate.
- > Members of the public swimming pool Advisory Review Board will be reimbursed for travel expenses.
- > Rule making authority with respect to bone marrow transplants will be assigned to the Agency for Health Care Administration rather than the Dept. of Health.
- > Physicians employed full time by the Dept. of Health or county health departments will no longer have to pay the \$250 NICA assessment.
- > The Volunteer Health Care Provider Program will continue.
- > The Correctional Medical Authority will be administratively housed in the Dept. of Health rather than the Dept. of Corrections.
- > Many terminated, superseded or unimplemented statutes or programs will be removed from Florida Statutes including: the requirement that new state employees receive an HIV/AIDS pamphlet; the Florida Blood Transfusion Act; the Minority Health Improvement Act; unfunded provisions relating to Sudden Infant Death Syndrome; unfunded provisions related to the Diabetes Advisory Council; chapter 387 relating to department regulation of the pollution of waters; the establishment of a Medical Manpower Clearinghouse; the Florida Hazardous Substances Law; and the requirement for toxic labeling of arts and crafts materials.
- > Many statutes will be updated to reflect the transfer of public health functions to the Dept. of Health.

C. APPLICATION OF PRINCIPLES:

1. Less Government:

- a. Does the bill create, increase or reduce, either directly or indirectly:

- (1) any authority to make rules or adjudicate disputes?

The department is given *new or specific* rule-making authority with respect to:

- > Setting fees for the certification of environmental health professionals;
- > The establishment of the pharmacy contraception distribution program;
- > Classifying facilities for the purposes of cancer data reports;

- > Regulation of interfacility transfers and permitting, equipping, and staffing transport ambulances;
- > Issuance of "new" birth certificates;
- > Issuance of certified copies of vital records; and
- > The imposition of penalties for violations of vital statistics laws.

On the other hand, rule-making authority is *taken away* with respect to:

- > The Florida Blood Transfusion Act;
- > The Medical Manpower Clearinghouse;
- > The Hazardous Substance Law; and
- > Toxic labeling of arts and crafts materials.

- (2) any new responsibilities, obligations or work for other governmental or private organizations or individuals?

Increase:

- > Ambulatory surgical centers and freestanding radiation therapy centers will be required to collect and report cancer data to the department;

Reduce:

- > The repeal of the Hazardous Substances Law and the toxic labeling of arts and crafts will potentially reduce the requirement for manufacturers to put warning labels on some of their products.

- (3) any entitlement to a government service or benefit?

No.

- b. If an agency or program is eliminated or reduced:

- (1) what responsibilities, costs and powers are passed on to another program, agency, level of government, or private entity?

- > Programs repealed by this bill were either superseded by other programs or were never implemented.

- (2) what is the cost of such responsibility at the new level/agency?

- > None.

- (3) how is the new agency accountable to the people governed?

- > N/A

2. Lower Taxes:

a. Does the bill increase anyone's taxes?

> No.

b. Does the bill require or authorize an increase in any fees?

No.

c. Does the bill reduce total taxes, both rates and revenues?

> Because full-time Dept. of Health and county health department physicians will not longer be assessed the NICA fee, NICA revenues will be reduced.

d. Does the bill reduce total fees, both rates and revenues?

> Because the department is given authority to be flexible in imposing environmental health professional certification fees total fees may be reduced for persons applying for certification in more than one position area.

e. Does the bill authorize any fee or tax increase by any local government?

> No.

3. Personal Responsibility:

a. Does the bill reduce or eliminate an entitlement to government services or subsidy?

> No.

b. Do the beneficiaries of the legislation directly pay any portion of the cost of implementation and operation?

> Part-time student participating in the Nursing Scholarship program will repay scholarship through employment in medically underserved areas.

> Women participating in the contraceptive distribution program must pay fees which cover the cost of purchasing and providing contraceptives to the eligible women.

4. Individual Freedom:

a. Does the bill increase the allowable options of individuals or private organizations/associations to conduct their own affairs?

> Increased access to contraception may provide some women with greater control over their reproductive choices.

> The bill increases public access to vital records.

- b. Does the bill prohibit, or create new government interference with, any presently lawful activity?

> No.

5. Family Empowerment:

- a. If the bill purports to provide services to families or children:

- (1) Who evaluates the family's needs?

> With respect to the pharmacy contraception distribution program, the services appear to be available to anyone who meets the program's requirements.

> With respect to Medicaid reimbursed services for pregnancy prevention counseling, the service appears to be available to any Medicaid recipient who wishes to receive the counseling.

- (2) Who makes the decisions?

> The woman receiving the service.

- (3) Are private alternatives permitted?

> Yes.

- (4) Are families required to participate in a program?

> No.

- (5) Are families penalized for not participating in a program?

> No.

- b. Does the bill directly affect the legal rights and obligations between family members?

> Yes. The department will no longer have to obtain parental consent prior to examining a minor for TB.

- c. If the bill creates or changes a program providing services to families or children, in which of the following does the bill vest control of the program, either through direct participation or appointment authority:

(1) parents and guardians?

> None.

(2) service providers?

> Pregnancy prevention counseling is provided by health care providers.

(3) government employees/agencies?

> The pharmacy contraception distribution program will be operated by county health department pharmacies.

D. SECTION-BY-SECTION ANALYSIS: This section need be completed only in the discretion of the Committee.

**Section 1.** Amends s. 20.43, F.S., relating to the establishment of the Department of Health, to:

- (a) Change the names of the Divisions of Disease Control and Family Services to the Divisions of "Disease Intervention" and "Family Health Services, and creates a new "Division of Local Health Planning, Education, and Workforce Development";
- (b) Authorize the Dept. of Health to spend funds on incentives and promotional activities.

**Section 2.** Transfers authority over rural health networks, rural health network cooperative agreements, local health councils, and the statewide health councils from AHCA to the new department.

**Section 3.** Permits the department to retain 20% of any unobligated general revenue, and use up to .5% of the total department budget to establish positions for fiscal year 1997-98.

**Section 4.** Amends s. 110.131, F.S., relating to temporary state employment (OPS), to update references to the Dept. of Health.

**Section 5.** Amends s. 154.04, F.S., relating to the personnel structure of county health departments, to authorize health departments to establish or contract with peer review committees for quality of care review of the communicable disease and primary care programs.

**Section 6.** Amends s. 154.06, F.S., relating to the authority of the Dept. of Health to establish fees, to remove requirement that fees charged be sufficient to cover the costs of providing the services.

**Section 7.** Amends s. 216.341, F.S., relating to disbursement of county health department trust funds, to update references to the Dept. of Health.

**Section 8.** Amends s. 232.465, F.S., relating to the provision of medical services by school district personnel, to correct a cross-reference.

**Section 9.** Amends s. 240.4075, F.S., relating to the Nursing Student Loan Forgiveness Program, to correct and update cross-references.

**Section 10.** Amends s. 240.4076, F.S., relating to the Nursing Scholarship Loan Program, to:

- (a) Change the name of the program to the "Nursing Scholarship Program";
- (b) Permit scholarships to be awarded to part time students and have employment service obligations prorated in proportion to the amount of scholarship received; and
- (c) Reduce the default repayment rate from *three* to *two* times the amount received.

**Section 11.** Amends s. 381.0055, F.S., relating to the confidentiality of information held by the Dept. of Health, to clarify a provision which lists what is included in "patient care quality assurance."

**Section 12.** Amends s. 381.0065, F.S., relating to sewage disposal regulation, to update references to the Dept. of Health.

**Section 13.** Amends s. 381.0101, F.S., relating to the certification of environmental health professionals, to:

- (a) To extend the date for grandfathering in persons who were employed in environmental health programs from July 1, 1991 to September 21, 1994, and specify the requirements that such persons must meet;
- (b) Permit the department to impose one fee for application, examination, and certification services; and
- (c) Permit the department to impose penalties for violation of the standards required of environmental health professionals.

**Section 14.** Amends s. 381.0203, F.S., relating to Dept. of Health pharmacy services, to establish a contraceptive distribution program in county health department pharmacies, and to provide the criteria for program eligibility.

**Section 15.** Amends s. 381.0302, F.S., relating to the Florida Health Services Corps, to update references to the Dept. of Health.

**Section 16.** Amends s. 381.0405, F.S., relating to rural health, to update references to the Dept. of Health.

**Section 17.** Amends s. 381.0406, F.S., relating to rural health networks, to reflect transfer to the Dept. of Health.

**Section 18.** Amends s. 381.04065, F.S., relating to rural health network cooperative agreements, to reflect transfer to the Dept. of Health.

**Section 19.** Amends s. 381.0407, F.S., relating to the reimbursement of public provider by managed care entities, to make clear that county health departments are to be

reimbursed by the MediPass program for emergency shelter medical screenings provided to clients of the Dept. of Children & Families.

**Section 20.** Amends s. 383.3362, F.S., relating to Sudden Infant Death Syndrome (SIDS), to:

- (a) Strike language establishing a SIDS Advisory Council;
- (b) Remove requirement that parents of deceased SIDS child be visited by a county public health nurse or social worker;
- (c) Add requirement that the Dept. of Health coordinate activities between SIDS groups;
- (d) Remove requirement that the Dept. of Health provide support services to people affected by SIDS;
- (e) Remove requirement that the Dept. of Health prepare a SIDS annual report; and
- (f) Remove language declaring that the section may only be implemented to extent funding is provided.

**Section 21.** Amends s. 385.202, F.S., relating to the Statewide Cancer Registry, to:

- (a) Add facilities licensed under chapter 395 (ambulatory surgical centers) and “freestanding radiation therapy centers” to facilities that must report cancer data to the Dept. of Health but limiting required reporting to information that has not been previously reported;
- (b) Remove language permitting funds to be used to help defray facility costs to provide registry information, and to add language permitting funds to be used for ensuring quality of data and providing management information to reporting facilities; and
- (c) Authorizing department to classify facilities by rule for purposes of reporting requirements.

**Section 22.** Amends s. 385.203, F.S., relating to the Diabetes Advisory Council, to:

- (a) Add the Board of Regents as an entity to which the Council reports;
- (b) Remove the requirement that the Dept. of Health prepare a biennial “diabetes state plan”; and
- (c) Limit provision permitting council members be reimbursed for travel expenses “to the extent resources permit.”

**Section 23.** Amends s. 392.52, F.S., relating to chapter definitions for tuberculosis regulation, to update the definition for “active tuberculosis” and references to the Dept. of Health.

**Section 24.** Creates s. 392.551, F.S., to permit the Dept. of Health to examine minors for tuberculosis exposure or infection without parental consent.

**Section 25.** Amends s. 392.565, F.S., relating to issuance of certificates for involuntary hold, to remove authority to issue such a certificate for persons believed to have “been exposed to” active tuberculosis.

**Section 26.** Amends s. 392.62, F.S., relating to tuberculosis hospitalization programs, to:

- (a) Permit the department’s tuberculosis hospital to have a forensic unit; and
- (b) Make clear that the hospital may isolate an infected patient.



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**Section 27.** Amends s. 395.3025, F.S., relating to hospital records, to:

- (a) Make clear that the Dept. of Health may examine hospital patient records held by AHCA; and
- (b) Increase penalty for unauthorized release of information from a 2nd to 1st degree misdemeanor.

**Section 28.** Amends s. 395.401, F.S., relating to definitions for state trauma system, to update reference to Dept. of Health.

**Section 29.** Amends s. 401.107, F.S. relating to definitions for emergency medical services grants, to update reference to Dept. of Health.

**Section 30.** Amends s. 401.111, F.S., relating to department grant authority, to update references to the Dept. of Health.

**Section 31.** Amends s. 401.117, F.S., relating to grant conditions, to update references to the Dept. of Health.

**Section 32.** Amends s. 401.23, F.S., relating to definitions for medical transportation services, to update references to the Dept. of Health.

**Section 33.** Amends s. 401.245, F.S., relating to the Emergency Medical Services Advisory Council, to update references to the Dept. of Health.

**Section 34.** Amends s. 401.252, F.S., relating to interfacility transfers, to:

- (a) Clarify that transport must be in an ambulance if medical attendance may be required;
- (b) Add provisions regulating the transport of infants; and
- (c) Give the department specific rulemaking authority with regards to interfacility transfers.

**Section 35.** Amends s. 401.265, F.S., relating to medical directors, to update references to the Dept. of Health.

**Section 36.** Amends s. 401.27, F.S., relating to EMS certification, to provide for inactive certificates.

**Section 37.** Amends s. 402.105, F.S., relating to biomedical and social research, to transfer section to chapter 381, the Public Health chapter, and update references to the Dept. of Health.

**Section 38.** Amends s. 402.32, F.S., relating to school health services, to transfer section to chapter 381, the Public Health chapter, and update references to the Dept. of Health.

**Section 39.** Amends s. 402.321, F.S., relating to funding for school health services, to transfer section to chapter 381, the Public Health chapter, and update references to the Dept. of Health.

**Section 40.** Amends s. 402.41, F.S., relating to HIV/AIDS educational material for facilities licensed under ch. 402, to update references to the Dept. of Health.

**Section 41.** Amends s. 402.475, F.S., relating to osteoporosis prevention program, to transfer section to chapter 381, the Public Health chapter, and update references to the Dept. of Health.

**Section 42.** Amends s. 402.60, F.S., relating to insect sting treatment, to transfer section to chapter 381, the Public Health chapter, and update references to the Dept. of Health.

**Section 43.** Amends s. 402.61, F.S., relating to the regulation of tanning facilities, to transfer section to chapter 381, the Public Health chapter, and update references to the Dept. of Health.

**Section 44.** Amends s. 403.703, F.S., relating to definitions used in resource recovery, to correct a cross-reference.

**Section 45.** Amends s. 404.031, F.S., relating to definitions for chapter 404 which governs radiation, to update references to the Dept. of Health.

**Section 46.** Amends s. 404.051, F.S., relating to powers and duties of department, to update references to the Dept. of Health.

**Section 47.** Amends s. 404.056, F.S., relating to radon protection, to add penalties against persons who practice fraud, deception, or misrepresentation in radon inspection of buildings.

**Section 48.** Amends s. 404.0614, F.S., relating to licensing of radioactive waste management facilities, to update references to the Dept. of Health.

**Section 49.** Amends s. 404.131, F.S., relating to fees for licenses and registration of radiation machines, to update references to the Dept. of Health.

**Section 50.** Amends s. 404.20, F.S., relating to transportation of radioactive materials, to update references to the Dept. of Health.

**Section 51.** Amends s. 404.22, F.S., relating to inspection of radiation machines, to permit biennial inspections of radiation machines.

**Section 52.** Amends s. 408.033, F.S., relating to local and state health planning, to direct that assessments collected by AHCA to support local health councils be transferred to the Dept. of Health.

**Section 53.** Amends s. 408.701, F.S., relating to definitions for community health purchasing, to add non-profit organizations, patient care centers, prescribed pediatric extended care centers, federally sponsored programs, and mental health community facilities to the definition of "health care provider."

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**Section 54.** Amends s. 409.905, F.S., relating to mandatory Medicaid services, to add counseling about pregnancy prevention methods to the list of family planning services reimbursed under Medicaid.

**Section 55.** Amends s. 409.908, F.S., relating to reimbursement of Medicaid providers to delete obsolete language.

**Section 56.** Amends s. 414.026, F.S., relating to the WAGES program state board of directors, to add the secretary of the Dept. of Health.

**Section 57.** Amends s. 414.23, F.S., relating to education and training for WAGES participants, to correct a cross-reference.

**Section 58.** Amends s. 414.38, F.S., relating to job training for noncustodial parents, to correct a cross-reference.

**Section 59.** Amends s. 458.316, F.S., relating to public health certificates, to update references to the Dept. of Health.

**Section 60.** Amends s. 468.301, F.S., relating to definitions for radiologic technologists, to update references to the Dept. of Health.

**Section 61.** Amends s. 468.3101, F.S., relating to disciplinary actions against radiologic technologists, to add conviction for crimes against a person as a ground for disciplinary action.

**Section 62.** Amends s. 468.314, F.S., relating to the Advisory Council on Radiation Protection, to update references to the Dept. of Health.

**Section 63.** Amends s. 514.011, F.S., relating to definitions for public swimming pool regulation, to update references to the Dept. of Health.

**Section 64.** Amends s. 514.028, F.S., relating to the swimming pool advisory review board, to permit reimbursement for travel expenses.

**Section 65.** Amends s. 627.4236, F.S., relating to insurance coverage for bone marrow transplants, to substitute the Agency for Health Care Administration for the Dept. of HRS (Dept. of Health).

**Section 66.** Amends s. 766.101, F.S., relating to immunity from liability for medical review committees, to add review committees of a county health department, healthy start coalition, or certified rural health network.

**Section 67.** Amends s. 766.314, F.S., relating to the assessments for the Florida Birth Neurological Injury Compensation program (NICA), to exempt from assessment physicians employed full-time by a county health department or the Dept. of Health.

**Section 68.** Amends s. 945.602, F.S., relating to the Correctional Medical Authority, to reflect transfer of the authority from the Dept. of Corrections to the Dept. of Health.

**Section 69.** Transfers the Correctional Medical Authority from the Dept. of Corrections to the Dept. of Health.

**Section 70.** Amends s. 28.101, F.S., relating to dissolution of marriage fees, to update references to the Dept. of Health.

**Section 71.** Amends s. 28.222, F.S., relating to county clerk records, to update references to the Dept. of Health.

**Section 72.** Amends s. 63.062, F.S., relating to consent to adoption, to update references to the Dept. of Health.

**Section 73.** Amends s. 63.165, F.S., relating to the state adoption registry, to incorporate the provisions of s. 382.027 and reflect its operation by the Dept. of Children & Families rather than the Dept. of Health.

**Section 74.** Amends s. 68.07, F.S., relating to name changes, to remove requirement that the Dept. of Health send a report of a name change of a person born in another state to the vital statistics agency of the other state, and to add language requiring the court clerk to provide such person with a copy of the final judgement.

**Section 75.** Amends s. 382.002, F.S., relating to definitions used in chapter 382, to:

- (a) Delete the definition for "applicant";
- (b) Substitute the term "certification" or "certified" for "computer certification";
- (c) Remove the definition for "death without medical attendance" - which is incorporated into s. 382.011(1),F.S.;
- (d) Amend the definition of "department" to mean the Dept. of Health;
- (e) Add a definition of "legal age";
- (f) Amend the definition of physician to include chiropractors;
- (g) Remove the definition for "presumptive death" - which is incorporated into s. 382.012(1),F.S.; and
- (h) Make other technical and clarifying changes.

**Section 76.** Amend s. 382.003, F.S., relating to powers and duties of the department, to make technical and clarifying changes.

**Section 77.** Amends s. 382.004, F.S., relating to reproduction and destruction of records, to incorporate provision declaring that certified copies of records constitute prima facie evidence - which is transferred from s. 382.025(5), and to make other technical and clarifying changes.

**Section 78.** Amends s. 382.005, F.S., relating to duties of local registrars, to:

- (a) Require all vital records be typewritten and transmitted daily to the department;
- (b) Remove provision relating to burial-transit permits - which is transferred to s. 382.006(2);
- (c) Remove requirement relating to incomplete birth certificates - which is transferred to 382.013(1)(e); and
- (d) Make other technical and clarifying changes.

**Section 79.** Amends s. 382.006, F.S., relating to burial-transit permits, to:

- (a) Require the burial-transit permit to be signed by the funeral director, who must attest that the physician or medical examiner has been contacted and has received assurances that cause of death will be provided within 72 hours;
- (b) Incorporate provision relating to issuance of permits when death occurred from a disease dangerous to the public health - which is transferred from s. 382.005(3);
- (b) Permit certification of death certificates issued in jurisdiction which does not issue burial-transit permits as authorizing final dispositions in this state;
- (c) Incorporate provision permitting issuance of a burial-transit permit prior to filing of death certificate - which is transferred from s. 382.008(5).
- (d) Incorporate provision permitting the destruction of burial-transit records - which is transferred from s. 382.007;
- (e) Delete provision directing the issuance of disinterment and reinternment permits by local registrars; and
- (f) Make other technical and clarifying changes.

**Section 80.** Amends s. 382.007, F.S., relating to prohibition against final disposition without burial transit permit, to remove the provision permitting the destruction of burial-transit records - which is transferred to s. 382.006(6), and make other technical and clarifying changes.

**Section 81.** Amends s. 382.008, F.S., relating to death registration, to:

- (a) Provide for the inclusion of aliases on the death certificate;
- (b) Require the physician, midwife, or hospital administrator, to provide medical information regarding fetal deaths within 72 hours;
- (c) Provide conditions for an extension of time for filing the death certificate;
- (d) Provide for the filing of temporary certificates of death and subsequent permanent certificates;
- (e) Delete provision permitting the promulgation of rules providing for extension of time;
- (f) Remove provision permitting issuance of burial-transit permits prior to issuance of death certificates - which is transferred to s. 382.006(5);
- (g) Add language requiring the death certificate to contain all information for legal, social and health research purposes;
- (h) Delete provision applying provisions relating to birth records to fetal death records; and
- (i) Make other technical and clarifying changes.

**Section 82.** Amends s. 382.011, F.S., relating to death without medical attendance, to incorporate the definition of "death without medical attendance" - which is transferred from s. 382.002(4), F.S., and make other technical and clarifying changes.

**Section 83.** Amends s. 382.012, F.S., relating to presumptive death certificates, to:

- (a) Incorporate the definition of "presumptive death" - which is transferred from s. 392.002(13), and modify the definition to distinguish between the presumptive death of residents and nonresidents; and
- (b) Require the petitioner to include all information needed for the issuance of the presumptive death certificate in the court petition.

**Section 84.** Amends s. 382.013, F.S., relating to birth registration, to:

- (a) Reduce from 5 to 3 days time allowed for registration of non-facility births;

- (b) Incorporate provision requiring the completion of birth certificates - which is transferred from s. 382.005(4);
- (c) Provide for paternity if the husband dies before the birth of the child;
- (d) Provide for naming child when parents disagree;
- (e) Provide for multiple names when name exceeds space on certificate;
- (f) Incorporate provisions for registering a birth certificate for children of undetermined parentage - which is transferred from s. 382.014(2).
- (g) Incorporate provision providing for the confidentiality of information on birth certificates - which is transferred from s. 382.014(1).
- (f) Make other technical and clarifying changes.

**Section 85.** Amends s. 382.0135, F.S., relating to assignment of social security numbers, to update statute.

**Section 86.** Amends s. 382.015, F.S., relating to issuance of new birth certificates, to:

- (a) Allow for objections by the court, parents or adoptee to the filing of a new certificate;
- (b) Provide for the notification of Canadian authorities of an adoption or annulment-of-adoption;
- (c) Provide for the issuance of a new certificate following an affirmation of parental status proceeding;
- (d) Provide for name changes on the new certificate;
- (e) Provide for "affirmation of parental status" proceeding and issuance of new certificate;
- (f) Provide for the forwarding of all copies of original birth certificates to the State Registrar upon the issuance of a new certificate;
- (g) Incorporate provision requiring all original, new, or amended birth certificates to be identical in form - which is transferred from s. 382.014(3).
- (h) Provide for departmental rule promulgation to carry out provisions of section; and
- (i) Make other technical and clarifying changes;

**Section 87.** Amends s. 382.016, F.S., relating to amendment of records, to:

- (a) Provide for the amendment of death and fetal death records as well as birth records;
- (b) Prohibit a change in the name of a surviving spouse on a death certificate except pursuant to court order; and
- (c) Permit change in a child's name if made before the child's first birthday.

**Section 88.** Amends s. 382.017, F.S., relating to foreign births, to:

- (a) Provide for the issuance of "certificates of foreign birth"; and
- (b) Provide for notification of U.S. State Department procedure for obtaining birth certificates for adopted children who are U.S. citizens but born outside the U.S.

**Section 89.** Amends s. 382.018, F.S., relating to court-issued delayed birth certificates, to:

- (a) Renumber section as s. 382.0195;
- (c) Require petition to be filed in circuit rather than county court;
- (c) Require petition to be on form furnished by department;
- (d) Clarify that petition can proceed only if there is no birth certificate on file;

- (d) Require the original court-issued certificate to be mailed to the department and contain a list of supporting documentation, if the birth occurred in this state;
- (e) Require the original and one copy be given to the petitioner if the birth occurred outside this state;
- (f) Prohibit the amendment of court-issued birth certificates except by court order; and
- (g) Make other technical and clarifying changes.

**Section 90.** Amends s. 382.019, F.S., relating to delayed registration, to:

- (a) Require delayed birth certificate to include a statement of evidence submitted;
- (b) Require delayed birth certificate be notarized;
- (c) Prohibit the establishment of more than one birth certificate, or the registration of a delayed birth certificate for a diseased person;
- (d) Require a delayed registration be marked "delayed"; and
- (e) Make other technical and clarifying changes.

**Section 91.** Amends s. 382.021, F.S., relating to marriage licenses, to remove provision limiting the validity of marriage licenses to 60 days which is transferred to s. 741.041, and to make technical and clarifying changes.

**Section 92.** Amends s. 382.022, F.S., relating to marriage application fees, to make technical and clarifying changes.

**Section 93.** Amends s. 382.023, F.S., relating to dissolution-of-marriage fees, to make technical and clarifying changes.

**Section 94.** Amends s. 382.025, F.S., relating to copies of vital records, to:

- (a) Remove provision relating to confidentiality of original birth records - which is incorporated in s. 382.013(5).
- (b) Require requests for certified copies of records to be in writing;
- (c) Expand persons who have access to birth and death records;
- (d) Permit birth records to be public after 100 years, and death records to be public after 50 years.
- (e) Expand conditions for release of birth records to law enforcement agencies;
- (f) Require the department mark a copy of a birth certificate of a deceased persons "deceased";
- (g) Remove provision holding that certified copies of records are prima facie evidence - which is transferred to s. 382.004(3);
- (h) Remove fee provisions - which are transferred to s. 382.0255;
- (i) Permit the release of records for research purposes pursuant to department approved protocol;
- (j) Provide rule making authority for this section; and
- (k) Make other technical and clarifying changes.

**Section 95.** Creates s. 382.0255, F.S., relating to fees, to:

- (a) Incorporate fee provisions - which are transferred from s. 382.025;
- (b) Incorporate accounting provision - which is transferred from s. 382.024; and
- (c) Make technical and clarifying changes.

**Section 96.** Amends s. 382.026, F.S., relating to penalties, to:

- (a) Increase penalty for knowingly providing false information from a 2nd degree misdemeanor to a 3rd degree felony;
- (b) Make it a 3rd degree felony to counterfeit or alter vital records, sell vital records or counterfeited or altered vital records, or possess vital records knowing them to have been unlawfully obtained;
- (c) Make it a 3rd degree felony for department employees to furnish vital records knowing they will be used for deceptive purposes;
- (d) Make it a 2nd degree misdemeanor to charge for the certification of cause of death;
- (e) Increase the administrative fine for chapter violations from \$500 to \$1000;
- (f) Provide rule making authority for this section; and
- (g) Make technical and clarifying changes.

**Section 97.** Amends s. 382.356, F.S., relating to protocols for sharing birth information, to update references to the Dept. of Health.

**Section 98.** Amends s. 383.2161, F.S., relating to maternal and child health report, to update references to the Dept. of Health.

**Section 99.** Amends s. 402.40, F.S., relating to establishment of child welfare training academies, to correct cross-references.

**Section 100.** Amends s. 460.414, F.S., relating to regulations to which chiropractors are subject, to add a reference to chapter 382.

**Section 101.** Amends s. 741.041, F.S., relating to validity of marriage licenses, to update statute by incorporating 60 day limitation which is transferred from s. 382.021(2).

**Section 102.** Amends s. 741.10, F.S., relating to establishment of paternity for children born out of wedlock, to update statute and make technical and clarifying changes.

**Section 103.** Amends s. s. 742.16, F.S., relating to expedited affirmation of parental status, to update references to the Dept. of Health.

**Section 104.** Repeals:

- (a) Section 110.1125, F.S., requiring an HIV/AIDS information pamphlet to be distributed to each new state employee;
- (b) Section 381.698, F.S., establishing the Florida Blood Transfusion Act;
- (c) Section 381.81, F.S., establishing the Minority Health Commission;
- (d) Section 382.014, F.S., relating to birth certificates, which provisions are transferred to s. 382.013 and 382.015;
- (e) Section 382.024, F.S., relating to account requirements, which is transferred to s. 382.0255;
- (f) Section 382.027, F.S., establishing an adoption registry, which is transferred to s. 63.165;
- (g) Sections 387.01-.10, F.S., providing department regulation over the pollution of waters;
- (h) Section 402.37, F.S., establishing a Medical Manpower Clearinghouse;
- (i) Paragraph (e) of subsection (1) of section 403.7045, F.S., which contains a cross-reference to the Florida Hazardous Substances Law;



- (j) Sections 501.061-.121, F.S., establishing the Florida Hazardous Substances Law; and
- (k) Section 501.124, F.S., requiring toxic labeling of arts and crafts material;

**Section 105.** Repeals section of chapter law repealing s. 766.1115, relating to volunteer health care providers, effective July 1, 1997.

**Section 106.** Provides an effective date of July 1, 1997.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

|  | <u>FY 1997-98</u> | <u>FY 1998-99</u> |
|--|-------------------|-------------------|
| 1. <u>Non-recurring Effects:</u>   |                   |                   |
| None.  |                   |                   |
| 2. <u>Recurring Effects:</u>   |                   |                   |
| Transfer of the Correctional Medical Authority<br>from Dept. of Corrections to Dept. of Health |                   |                   |
| <b>General Revenue</b> (14.0 FTEs)   |                   |                   |
| Salaries & Benefits  | \$726,118         | \$747,902         |
| OPS  | 309,000           | 309,000           |
| Expense  | 262,010           | 262,010           |
| OCO  | <u>262</u>        | <u>225</u>        |
| Subtotal for CMA transfer  | \$1,297,353       | \$1,319,137       |
| Transfer of Rural Health Network & Local<br>Health Council from AHCA to Dept. of Health        |                   |                   |
| <b>General Revenue</b>   |                   |                   |
| G/A Rural Health Network Grants  | 300,000           | 300,000           |
| <b>Health Care Trust Fund</b> (3 FTEs)   |                   |                   |
| Salaries & Benefits  | 175,393           | 180,655           |
| Expenses   | 33,171            | 33,171            |
| ALG/G&A - Local Health Councils  | <u>1,294,147</u>  | <u>1,294,147</u>  |
| Subtotal for AHCA transfers  | \$1,802,711       | \$1,807,973       |
| Birth Neurological Injury<br>Compensation Program (NICA)                                       | (\$50,000)        | (\$50,000)        |

3. Long Run Effects Other Than Normal Growth:

None.

4. Total Revenues and Expenditures:

|  |            |            |
|--|------------|------------|
| Birth Neurological Injury<br>Compensation Program (NICA) | (\$50,000) | (\$50,000) |
|--|------------|------------|

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring Effects:

None.

2. Recurring Effects:

None.

3. Long Run Effects Other Than Normal Growth:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

- > There may be administrative costs associated with collecting cancer data on the part of ambulatory surgical centers and freestanding radiation therapy centers.
- > Grand fathered environmental health professionals will have to pay for continuing education courses.

2. Direct Private Sector Benefits:

- > More nursing scholarships will be available to prospective nursing students.
- > Uninsured indigent women will be able to obtain contraceptives at a lower price.
- > Members of the public swimming pool Advisory Review Board will be reimbursed for travel expenses.
- > Physicians employed full-time by the Dept. of Health or county health departments will no longer have to pay the \$250 NICA assessment.
- > Manufacturers will no longer be required to label toxic arts and crafts materials.

3. Effects on Competition, Private Enterprise and Employment Markets:

- > Some women who may have purchased contraceptives from private pharmacies will instead purchase them from county health departments at a cheaper price.
- > The Nursing Scholarship program may encourage more people to become nurses.

D. FISCAL COMMENTS:

> Because approximately 200 Dept. of Health and county health department physicians will no longer be required to pay the \$250 NICA assessment, the bill will have a \$50,000 fiscal impact on the NICA program.

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

This bill does not require counties or municipalities to expend funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

This bill does not reduce the authority of counties or municipalities to raise revenues.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

This bill does not reduce the percentage of a state tax shared with counties or municipalities.

V. COMMENTS:

None.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

None.

VII. SIGNATURES:

COMMITTEE ON HEALTH CARE SERVICES:

Prepared by:

Legislative Research Director:

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