

By the Committee on Health Care Services and
Representatives Albright, Heyman, Rodriguez-Chomat, Flanagan,
Goode, Peaden, Casey, Geller and Bloom

1 A bill to be entitled
2 An act relating to the Department of Health;
3 amending s. 20.43, F.S.; renaming certain
4 divisions within the department; creating a
5 Division of Local Health Planning, Education,
6 and Workforce Development; authorizing certain
7 use of state or federal funds to protect and
8 improve public health; transferring powers and
9 duties relating to rural health networks, local
10 health councils, and the Statewide Health
11 Council from the Agency for Health Care
12 Administration to the department; authorizing
13 certain budget flexibility; amending s. 154.04,
14 F.S.; authorizing county health departments to
15 establish peer review committees for certain
16 purposes; amending s. 154.06, F.S.; removing
17 requirement that county health department fees
18 cover costs; amending ss. 110.131, 216.341,
19 232.465, 240.4075, 381.0065, 381.0302,
20 381.0405, 381.0055, 395.401, 401.107, 401.111,
21 401.117, 401.23, 401.245, 401.265, 403.703,
22 404.031, 404.051, 404.0614, 404.131, 404.20,
23 414.23, 414.38, 458.316, 468.301, 468.314, and
24 514.011, F.S.; revising and conforming language
25 and references relating to the public health
26 functions of the department; deleting obsolete
27 language; amending s. 240.4076, F.S.; revising
28 operation of the nursing scholarship loan
29 program; amending s. 381.0101, F.S.; revising
30 requirements relating to professional
31 standards, continuing education, and

1 certification of environmental health
2 professionals; revising certification fees;
3 providing for denial, suspension, or revocation
4 of a certificate; providing for fines; amending
5 s. 381.0203, F.S.; providing for a
6 contraceptive distribution program; specifying
7 eligibility requirements; providing for fees;
8 providing for rules; amending ss. 381.0406 and
9 381.04065, F.S.; conforming transfer of rural
10 health programs to the department; amending s.
11 381.0407, F.S.; clarifying reimbursement to
12 county health departments by Medicaid
13 providers; amending s. 383.3362, F.S., relating
14 to Sudden Infant Death Syndrome; deleting
15 requirement for visits by county public health
16 nurses or social workers; deleting an advisory
17 council; revising duties of the department;
18 amending s. 385.202, F.S.; revising
19 requirements relating to reporting and analysis
20 of reports to the statewide cancer registry;
21 amending s. 385.203, F.S.; clarifying
22 relationship of the Diabetes Advisory Council
23 to the Board of Regents; deleting requirement
24 for an annual diabetes state plan; amending s.
25 392.52, F.S.; revising definitions; creating s.
26 392.551, F.S.; providing that parental consent
27 is not required to examine a minor for
28 tuberculosis; amending s. 392.565, F.S.;
29 revising conditions for imposing an involuntary
30 hold on a person for tuberculosis; amending s.
31 392.62, F.S.; providing for forensic units in

1 tuberculosis hospitals; amending s. 395.3025,
2 F.S.; expanding the department's authority to
3 examine records of licensed facilities;
4 increasing a penalty for unauthorized
5 disclosure of information; amending s. 401.252,
6 F.S.; providing requirements for interfacility
7 transport of certain infants; providing for
8 rules for interfacility transport; amending s.
9 401.27, F.S.; providing for inactive status of
10 emergency medical technician and paramedic
11 certificates; providing for reactivation and
12 renewal; providing a fee; amending and
13 renumbering s. 402.105, F.S., relating to
14 biomedical and social research; amending and
15 renumbering s. 402.32, F.S., relating to the
16 school health services program; amending and
17 renumbering s. 402.321, F.S., relating to
18 funding for school health services; amending s.
19 402.41, F.S., relating to educational materials
20 and training in human immunodeficiency virus
21 infection and acquired immune deficiency
22 syndrome; amending and renumbering s. 402.475,
23 F.S., relating to the osteoporosis prevention
24 and education program; amending and renumbering
25 s. 402.60, F.S., relating to insect sting
26 emergency treatment; amending and renumbering
27 s. 402.61, F.S., relating to regulation of
28 tanning facilities; amending s. 404.056, F.S.;
29 providing penalties for certain fraud,
30 deception, or misrepresentation in performing
31 radon measurements or mitigation; amending s.

1 404.22, F.S.; reducing the frequency of
2 inspections required for certain radiation
3 machines; amending s. 408.033, F.S.; providing
4 for the transfer of funds to support the local
5 health councils; amending s. 408.701, F.S.;
6 expanding the definition of "health care
7 provider" for purposes of community health
8 purchasing; amending s. 409.905, F.S.;
9 specifying family planning services provided
10 under the Medicaid program; amending s.
11 409.908, F.S.; deleting obsolete repeal
12 provision; amending s. 414.026, F.S.; adding
13 the Secretary of Health to the State Board of
14 Directors of the WAGES Program; amending s.
15 468.3101, F.S.; providing additional grounds
16 for disciplinary action against a radiologic
17 technologist; providing penalties; amending s.
18 514.028, F.S.; providing for reimbursement for
19 travel expenses for members of the advisory
20 review board on swimming and bathing
21 facilities; amending s. 627.4236, F.S.;
22 transferring rulemaking authority relating to
23 bone marrow transplant procedures to the Agency
24 for Health Care Administration; amending s.
25 766.101, F.S.; including certain committees of
26 a county health department, healthy start
27 coalition, or certified rural health network
28 within the definition of "medical review
29 committee"; amending s. 766.314, F.S.;
30 exempting public health physicians from
31 assessments that finance the Florida

1 Birth-Related Neurological Injury Compensation
2 Plan; amending s. 945.602, F.S.; providing for
3 assignment of the Correctional Medical
4 Authority to the department for administrative
5 purposes; transferring to the department powers
6 and duties of the Correctional Medical
7 Authority; amending ss. 28.101, 28.222, 63.062,
8 382.003, 382.004, 382.007, 382.011, 382.0135,
9 382.021, 382.022, 382.023, 382.356, 383.2161,
10 402.40, 460.414, 742.10, and 742.16, F.S.;
11 revising and conforming language and references
12 relating to the department's responsibility for
13 vital records and statistics; amending s.
14 63.165, F.S.; consolidating provisions relating
15 to the state registry of adoption information;
16 amending s. 68.07, F.S.; revising procedures
17 relating to change of name; amending s.
18 382.002, F.S.; revising definitions; amending
19 s. 382.005, F.S.; revising duties of local
20 registrars; amending s. 382.006, F.S.; revising
21 duties of funeral directors with respect to
22 burial-transit permits; restricting issuance
23 thereof if death occurred from a communicable
24 disease; providing authority of certifications
25 of death certificates issued in other states or
26 countries; eliminating provisions relating to
27 permits for disinterment and reinterment;
28 amending s. 382.008, F.S., relating to death
29 and fetal death certificates; providing for
30 entry of aliases; requiring certain persons to
31 provide medical information regarding a fetal

1 death within a specified period; providing for
2 extensions of time for certification of cause
3 of death; providing for temporary death
4 certificates; requiring certificates to contain
5 information required for legal, social, and
6 health research purposes; amending s. 382.012,
7 F.S.; providing requirements for a petitioner
8 seeking a presumptive death certificate;
9 amending s. 382.013, F.S.; revising provisions
10 and requirements relating to registration of a
11 live birth, paternity, and the name of the
12 child; amending s. 382.015, F.S.; revising
13 provisions relating to new certificates of live
14 birth; revising procedures for annulment of
15 adoptions and determination of paternity;
16 providing for filing of a new birth certificate
17 upon receipt of an order of affirmation of
18 parental status; providing for the form of
19 original, new, and amended birth certificates;
20 providing for rules; amending s. 382.016, F.S.;
21 revising provisions relating to amendment of
22 birth and death records; amending s. 382.017,
23 F.S.; revising procedures relating to
24 registration of birth certificates for adopted
25 children of foreign birth; amending and
26 renumbering s. 382.018, F.S.; revising
27 procedures and requirements relating to
28 issuance of delayed birth certificates;
29 amending s. 382.019, F.S.; revising procedures
30 and requirements relating to the delayed
31 registration of a death or birth certificate;

1 amending s. 382.025, F.S.; revising procedures
2 and requirements relating to issuance of
3 certified copies of birth and death records;
4 providing requirements and restrictions for
5 sharing vital records with a research entity;
6 providing for rules; creating s. 382.0255,
7 F.S.; providing for fees for searching and
8 processing vital records; revising and
9 consolidating provisions relating thereto;
10 amending s. 382.026, F.S.; revising and
11 expanding penalties; providing for rules;
12 amending s. 741.041, F.S.; conforming
13 provisions relating to the period of validity
14 of marriage licenses; repealing s. 110.1125,
15 F.S., relating to a requirement to provide
16 information on human immunodeficiency virus
17 infection and acquired immune deficiency
18 syndrome to state employees; repealing s.
19 381.698, F.S., relating to "The Florida Blood
20 Transfusion Act"; repealing s. 381.81, F.S.,
21 relating to the "Minority Health Improvement
22 Act"; repealing s. 382.014, F.S., relating to
23 contents, form, and disclosure of birth
24 certificates; repealing s. 382.024, F.S.,
25 relating to departmental accounting of
26 dissolution of marriage fees and charges;
27 repealing s. 382.027, F.S., relating to
28 voluntary registration of adoption information;
29 repealing ss. 387.01, 387.02, 387.03, 387.04,
30 387.05, 387.06, 387.07, 387.08, 387.09, and
31 387.10, F.S., relating to permits for draining

1 surface water or sewage into underground waters
2 of the state, penalties for polluting water
3 supplies or surface or underground waters,
4 septic tank construction requirements, and
5 injunction proceedings; repealing s. 402.37,
6 F.S., relating to the medical manpower
7 clearinghouse grant program; repealing s.
8 403.7045(1)(e), F.S., relating to activities
9 regulated under the "Florida Hazardous
10 Substances Law" exempted from environmental
11 regulation; repealing ss. 501.061, 501.065,
12 501.071, 501.075, 501.081, 501.085, 501.091,
13 501.095, 501.101, 501.105, 501.111, 501.115,
14 and 501.121, F.S., relating to the "Florida
15 Hazardous Substances Law"; repealing s.
16 501.124, F.S., relating to art or craft
17 material containing toxic substances and
18 labeling requirements therefor; repealing s.
19 766.1115(12), F.S., as created by section 1 of
20 ch. 92-278, Laws of Florida, relating to the
21 scheduled repeal of the "Access to Health Care
22 Act"; providing an effective date.

23
24 Be It Enacted by the Legislature of the State of Florida:

25
26 Section 1. Paragraphs (c) and (d) of subsection (3) of
27 section 20.43, Florida Statutes, 1996 Supplement, are amended,
28 paragraph (f) of subsection (3) is redesignated as paragraph
29 (g), a new paragraph (f) is added to said subsection, and
30 subsection (6) is added to said section, to read:

31

1 20.43 Department of Health.--There is created a
2 Department of Health.

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

5 (c) Division of Disease Intervention Control.

6 (d) Division of Family Health Services.

7 (f) Division of Local Health Planning, Education, and
8 Workforce Development.

9
10 The department shall contract with the Agency for Health Care
11 Administration who shall provide consumer complaint,
12 investigative, and prosecutorial services required by the
13 Division of Medical Quality Assurance, councils, or boards, as
14 appropriate.

15 (6) To protect and improve the public health, the
16 department may use state or federal funds to:

17 (a) Provide incentives, including food coupons or
18 payment for travel expenses, for encouraging disease
19 prevention and patient compliance with medical treatment, such
20 as tuberculosis therapy.

21 (b) Plan and conduct health education campaigns for
22 the purpose of protecting or improving public health. The
23 department may purchase promotional items and advertising,
24 such as space on billboards or in publications or radio or
25 television time, for health information and promotional
26 messages.

27 (c) Plan and conduct promotional campaigns to recruit
28 health professionals to be employed by the department or to
29 recruit participants in departmental programs for health
30 practitioners, such as scholarship, loan repayment, or
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1 volunteer programs. To this effect the department may
2 purchase promotional items and advertising.

3 Section 2. All powers, duties and functions, rules,
4 records, personnel, property, and unexpended balances of
5 appropriations, allocations, or other funds of the Agency for
6 Health Care Administration related to the development of rural
7 health networks and rural health network cooperative
8 agreements as provided in ss. 381.0406 and 381.04065, Florida
9 Statutes, and the establishment of local health councils and
10 the Statewide Health Council as provided in s. 408.033,
11 Florida Statutes, are transferred by a type two transfer, as
12 defined in s. 20.06(2), Florida Statutes, from the Agency for
13 Health Care Administration to the Department of Health. The
14 Department of Health may organize, classify, and manage the
15 positions transferred in a manner that will reduce
16 duplication, achieve maximum efficiency, and ensure
17 accountability.

18 Section 3. For fiscal year 1997-1998 only, in
19 accordance with chapter 216, Florida Statutes, 20 percent of
20 any unobligated general revenue or trust fund appropriations
21 to the Department of Health for salaries and benefits,
22 expenses, other personal services, operating capital outlay,
23 and special categories remaining at the end of the fiscal year
24 shall be available to the Department of Health for purchasing
25 productivity enhancing technology, improving existing
26 services, and funding community health initiatives. Funds
27 used for such purposes may be certified forward. The
28 department shall have until June 30, 1998, to make reversions
29 from the fiscal year 1996-1997 budget. The Secretary of
30 Health is authorized to transfer up to one-half of 1 percent
31 of the total department budget in order to establish positions

1 in excess of those authorized for administrative support and
2 contract management pursuant to the budget amendment
3 provisions of chapter 216, Florida Statutes.

4 Section 4. Paragraph (c) of subsection (6) of section
5 110.131, Florida Statutes, 1996 Supplement, is amended to
6 read:

7 110.131 Other-personal-services temporary
8 employment.--

9 (6)

10 (c) Notwithstanding the provisions of this section,
11 the secretary of the Department of Health ~~and Rehabilitative~~
12 ~~Services~~ or the secretary's delegate may extend the
13 other-personal-services employment of a health care
14 practitioner licensed pursuant to chapter 458, chapter 459,
15 chapter 460, chapter 461, chapter 463, chapter 464, chapter
16 466, chapter 468, chapter 483, chapter 486, or chapter 490
17 beyond 2,080 hours and may employ such practitioner on an
18 hourly or other basis.

19 Section 5. Paragraph (c) of subsection (1) of section
20 154.04, Florida Statutes, 1996 Supplement, is amended to read:

21 154.04 Personnel of county health departments; duties;
22 compensation.--

23 (1)

24 (c)1. A registered nurse or certified physician
25 assistant working in a county health department is authorized
26 to assess a patient and order medications, provided that:

27 a. No licensed physician is on the premises;

28 b. The patient is assessed and medication ordered in
29 accordance with rules promulgated by the department and
30 pursuant to a protocol approved by a physician who supervises
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1 the patient care activities of the registered nurse or
2 certified physician assistant;

3 c. The patient is being assessed by the registered
4 nurse or certified physician assistant as a part of a program
5 approved by the department; and

6 d. The medication ordered appears on a formulary
7 approved by the department and is prepackaged and prelabeled
8 with dosage instructions and distributed from a source
9 authorized under chapter 499 to repackage and distribute
10 drugs, which source is under the supervision of a consultant
11 pharmacist employed by the department.

12 2. Each county health department shall adopt written
13 protocols which provide for supervision of the registered
14 nurse or certified physician assistant by a physician licensed
15 pursuant to chapter 458 or chapter 459 and for the procedures
16 by which patients may be assessed, and medications ordered and
17 delivered, by the registered nurse or certified physician
18 assistant. Such protocols shall be signed by the supervising
19 physician, the director of the county health department, and
20 the registered nurse or certified physician assistant.

21 3. Each county health department shall maintain and
22 have available for inspection by representatives of the
23 Department of Health all medical records and patient care
24 protocols, including records of medications delivered to
25 patients, in accordance with rules of the department.

26 4. The Department of Health shall adopt rules which
27 establish the conditions under which a registered nurse or
28 certified physician assistant may assess patients and order
29 and deliver medications, based upon written protocols of
30 supervision by a physician licensed pursuant to chapter 458 or
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1 chapter 459, and which establish the formulary from which
2 medications may be ordered.

3 5. The department shall require that a consultant
4 pharmacist conduct a periodic inspection of each county health
5 department in meeting the requirements of this paragraph.

6 6. A county health department may establish or
7 contract with peer review committees or organizations to
8 review the quality of communicable disease control and primary
9 care services provided by the county health department.

10 Section 6. Section 154.06, Florida Statutes, is
11 amended to read:

12 154.06 Fees and services rendered; authority.--

13 (1) The Department of Health ~~and Rehabilitative~~
14 ~~Services~~ is authorized to establish by rule, ~~pursuant to~~
15 ~~chapter 120,~~ fee schedules for public health services rendered
16 through the county health departments ~~public health units~~. In
17 addition, the department shall adopt by rule a uniform
18 statewide fee schedule for all regulatory activities performed
19 through the environmental health program. ~~By July 1, 1985,~~
20 ~~the fees charged for these regulatory activities shall, at a~~
21 ~~minimum, be sufficient to cover all costs for providing such~~
22 ~~activities.~~ Each county may establish, and each county health
23 department ~~public health unit~~ may collect, fees for primary
24 care services, provided that a schedule of such fees is
25 established by resolution of the board of county commissioners
26 or by rule of the department, respectively. Fees for primary
27 care services and communicable disease control services may
28 not be less than Medicaid reimbursement rates unless otherwise
29 required by federal or state law or regulation.

30 (2) All funds collected under this section shall be
31 expended solely for the purpose of providing health services

1 and facilities within the county served by the county health
2 department ~~public health unit~~. Fees collected by county health
3 departments ~~public health units~~ pursuant to department rules
4 shall be deposited with the Treasurer and credited to the
5 County Health Department ~~Public Health Unit~~ Trust Fund. Fees
6 collected by the county health department ~~public health unit~~
7 for public health services or personal health services shall
8 be allocated to the state and the county based upon the pro
9 rata share of funding for each such service. The board of
10 county commissioners, if it has so contracted, shall provide
11 for the transmittal of funds collected for its pro rata share
12 of personal health services or primary care services rendered
13 under the provisions of this section to the State Treasury for
14 credit to the County Health Department ~~Public Health Unit~~
15 Trust Fund, but in any event the proceeds from such fees may
16 only be used to fund county health department ~~public health~~
17 ~~unit~~ services.

18 (3) The foregoing provisions notwithstanding, any
19 county which charges fees for any services delivered through
20 county health departments ~~public health units~~ prior to July 1,
21 1983, and which has pledged or committed the fees yet to be
22 collected toward the retirement of outstanding obligations
23 relating to county health department ~~public health unit~~
24 facilities may be exempted from the provisions of subsection
25 (1) until such commitment or obligation has been satisfied or
26 discharged.

27 Section 7. Section 216.341, Florida Statutes, is
28 amended to read:

29 216.341 Disbursement of county health department ~~unit~~
30 trust funds.--County health department ~~unit~~ trust funds may be
31 expended by the Department of Health ~~and Rehabilitative~~

1 ~~Services~~ for the respective county health departments in
2 accordance with budgets and plans agreed upon by the county
3 authorities of each county and the Department of Health ~~and~~
4 ~~Rehabilitative Services~~. The limitations on appropriations
5 provided in s. 216.262(1) shall not apply to county health
6 department unit trust funds.

7 Section 8. Subsection (4) of section 232.465, Florida
8 Statutes, 1996 Supplement, is amended to read:

9 232.465 Provision of medical services; restrictions.--

10 (4) Each district school board shall establish
11 emergency procedures in accordance with s. 381.0056(5) ~~s.~~
12 ~~402.32(5)~~for life-threatening emergencies.

13 Section 9. Subsections (4) through (10) of section
14 240.4075, Florida Statutes, are amended to read:

15 240.4075 Nursing Student Loan Forgiveness Program.--

16 (4) Receipt of funds pursuant to this program shall be
17 contingent upon continued proof of employment in the
18 designated facilities in this state. Loan principal payments
19 shall be made by the Department of Health ~~and Rehabilitative~~
20 ~~Services~~ directly to the federal or state programs or
21 commercial lending institutions holding the loan as follows:

22 (a) Twenty-five percent of the loan principal and
23 accrued interest shall be retired after the first year of
24 nursing;

25 (b) Fifty percent of the loan principal and accrued
26 interest shall be retired after the second year of nursing;

27 (c) Seventy-five percent of the loan principal and
28 accrued interest shall be retired after the third year of
29 nursing; and

30 (d) The remaining loan principal and accrued interest
31 shall be retired after the fourth year of nursing.

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In no case may payment for any nurse exceed \$4,000 in any 12-month period.

(5) There is created the Nursing Student Loan Forgiveness Trust Fund to be administered by the Department of Health ~~and Rehabilitative Services~~ pursuant to this section and s. 240.4076 and department rules ~~of the Department of Health and Rehabilitative Services~~. The Comptroller shall authorize expenditures from the trust fund upon receipt of vouchers approved by the Department of Health ~~and Rehabilitative Services~~. All moneys collected from the private health care industry and other private sources for the purposes of this section shall be deposited into the Nursing Student Loan Forgiveness Trust Fund. Any balance in the trust fund at the end of any fiscal year shall remain therein and shall be available for carrying out the purposes of this section and s. 240.4076.

(6) In addition to licensing fees imposed under the ~~licensing fee as determined by~~ chapter 464, there is hereby levied and imposed an additional a license fee of \$5 ~~for the practice of nursing~~, which fee shall be paid ~~to the Department of Business and Professional Regulation~~ upon licensure or renewal of nursing licensure. Revenues collected from the fee imposed in this subsection ~~section~~ shall be deposited in the Nursing Student Loan Forgiveness Trust Fund of the Department of Health ~~and Rehabilitative Services~~ and will be used solely for the purpose of carrying out the provisions of this section and s. 240.4076. Up to 50 percent of the revenues appropriated to implement this subsection may be used for the nursing scholarship ~~loan~~ program established pursuant to s. 240.4076.

1 (7)(a) Funds contained in the Nursing Student Loan
2 Forgiveness Trust Fund which are to be used for loan
3 forgiveness for those nurses employed by hospitals, birth
4 centers, and nursing homes must be matched on a
5 dollar-for-dollar basis by contributions from the employing
6 institutions, except that this provision shall not apply to
7 state-operated medical and health care facilities, county
8 health departments ~~public health units~~, federally sponsored
9 community health centers, or teaching hospitals as defined in
10 s. 408.07.

11 (b) All Nursing Student Loan Forgiveness Trust Fund
12 moneys shall be invested pursuant to s. 18.125. Interest
13 income accruing to that portion of the trust fund not matched
14 shall increase the total funds available for loan forgiveness
15 and scholarships. Pledged contributions shall not be eligible
16 for matching prior to the actual collection of the total
17 private contribution for the year.

18 (8) The Department of Health ~~and Rehabilitative~~
19 ~~Services~~ may solicit technical assistance relating to the
20 conduct of this program from the Department of Education.

21 (9) The Department of Health ~~and Rehabilitative~~
22 ~~Services~~ is authorized to recover from the Nursing Student
23 Loan Forgiveness Trust Fund its costs for administering the
24 Nursing Student Loan Forgiveness Program.

25 (10) The Department of Health ~~and Rehabilitative~~
26 ~~Services~~ may adopt rules necessary to administer this program.

27 Section 10. Section 240.4076, Florida Statutes, is
28 amended to read:

29 240.4076 Nursing scholarship ~~loan~~ program.--

30 (1) There is established within the Department of
31 Health ~~and Rehabilitative Services~~ a scholarship ~~loan~~ program

1 for the purpose of attracting capable and promising students
2 to the nursing profession.

3 (2) A scholarship ~~loan~~ applicant shall be enrolled as
4 a full-time or part-time student in the upper division of an
5 approved nursing program leading to the award of a
6 baccalaureate or any advanced registered nurse practitioner
7 degree or be enrolled as a full-time or part-time student in
8 an approved program leading to the award of an associate
9 degree in nursing or a diploma in nursing.

10 (3) A scholarship ~~loan~~ may be awarded for no more than
11 2 years, in an amount not to exceed \$8,000 per year. However,
12 registered nurses pursuing an advanced registered nurse
13 practitioner degree may receive up to \$12,000 per year.
14 Beginning July 1, 1998, these amounts shall be adjusted by the
15 amount of increase or decrease in the consumer price index for
16 urban consumers published by the United States Department of
17 Commerce.

18 (4) Credit for repayment of a scholarship ~~loan~~ shall
19 be ~~on a year-for-year basis~~ as follows:

20 (a) For each full year of scholarship ~~loan~~ assistance,
21 the recipient agrees to work for 12 months at a health care
22 facility in a medically underserved area as approved by the
23 Department of Health ~~and Rehabilitative Services~~. Scholarship
24 recipients who attend school on a part-time basis shall have
25 their employment service obligation prorated in proportion to
26 the amount of scholarship payments received.

27 (b) Eligible health care facilities include
28 state-operated medical or health care facilities, county
29 health departments ~~public health units~~, federally sponsored
30 community health centers, or teaching hospitals as defined in
31 s. 408.07~~(49)~~.

1 ~~(b) When repaying scholarship loans,~~The recipient
2 shall be encouraged to complete the service obligation at a
3 single employment site. If ~~and when such~~ continuous
4 employment at the same site is not feasible, the recipient may
5 apply to the department for a transfer to another approved
6 health care facility.

7 (c) Any recipient who does not complete an appropriate
8 program of studies or who does not become licensed shall repay
9 to the Department of Health ~~and Rehabilitative Services~~, on a
10 schedule to be determined by the department, the entire amount
11 of the scholarship ~~loan~~ plus 18 percent interest accruing from
12 the date of the scholarship ~~loan~~ payment. Moneys repaid shall
13 be deposited into the Nursing Student Loan Forgiveness Trust
14 Fund established in s. 240.4075. However, the department may
15 provide additional time for repayment if the department finds
16 that circumstances beyond the control of the recipient caused
17 or contributed to the default.

18 (d) Any recipient who does not accept employment as a
19 nurse at an approved health care facility or who does not
20 complete 12 months of approved employment for each year of
21 scholarship ~~loan~~ assistance received shall repay to the
22 Department of Health ~~and Rehabilitative Services~~ an amount
23 equal to two ~~three~~ times the entire amount of the scholarship
24 ~~loan~~ plus interest accruing from the date of the scholarship
25 ~~loan~~ payment at the maximum allowable interest rate permitted
26 by law. ~~Such~~ Repayment shall be made within 1 year of notice
27 that the recipient ~~loan~~ is considered to be in default.
28 However, the department may provide additional time for
29 repayment if the department finds that circumstances beyond
30 the control of the recipient caused or contributed to the
31 default.

1 (5) ~~Payment of~~ Scholarship payments ~~loans~~ shall be
2 transmitted to the recipient upon receipt of documentation
3 that the recipient is enrolled ~~as a full-time student~~ in an
4 approved nursing program. The Department of Health ~~and~~
5 ~~Rehabilitative Services~~ shall develop a formula to prorate
6 payments to scholarship ~~loan~~ recipients so as not to exceed
7 the maximum amount per academic year.

8 (6) The Department of Health ~~and Rehabilitative~~
9 ~~Services~~ shall adopt rules, including rules to address
10 extraordinary circumstances that may cause a recipient to
11 default on either the school enrollment or employment
12 contractual agreement, to implement this section and may
13 solicit technical assistance relating to the conduct of this
14 program from the Department of Education.

15 (7) The Department of Health ~~and Rehabilitative~~
16 ~~Services~~ is authorized to recover from the Nursing Student
17 Loan Forgiveness Trust Fund its costs for administering the
18 nursing scholarship ~~loan~~ program.

19 Section 11. Section 381.0055, Florida Statutes, 1996
20 Supplement, is amended to read:

21 381.0055 Confidentiality and quality assurance
22 activities.--

23 (1) All information which is confidential by operation
24 of law and which is obtained by the Department of Health, a
25 county health department ~~public health unit~~, healthy start
26 coalition, or certified rural health network, or a panel or
27 committee assembled by the department, a county health
28 department ~~public health unit~~, healthy start coalition, or
29 certified rural health network pursuant to this section, shall
30 retain its confidential status and be exempt from the
31

1 provisions of s. 119.07(1) and s. 24(a), Art. I of the State
2 Constitution.

3 (2) All information which is confidential by operation
4 of law and which is obtained by a hospital or health care
5 provider from the department, a county health department
6 ~~public health unit~~, healthy start coalition, or certified
7 rural health network, or a panel or committee assembled by the
8 department, a county health department ~~public health unit~~,
9 healthy start coalition, or certified rural health network
10 pursuant to this section, shall retain its confidential status
11 and be exempt from the provisions of s. 119.07(1) and s.
12 24(a), Art. I of the State Constitution.

13 (3) Portions of meetings, proceedings, reports, and
14 records of the department, a county health department ~~public~~
15 ~~health unit~~, healthy start coalition, or certified rural
16 health network, or a panel or committee assembled by the
17 department, a county health department ~~public health unit~~,
18 healthy start coalition, or certified rural health network
19 pursuant to this section, which relate solely to patient care
20 quality assurance and where specific persons or incidents are
21 discussed are confidential and exempt from the provisions of
22 s. 286.011, and s. 24(b), Art. I of the State Constitution and
23 are confidential and exempt from the provisions of s.
24 119.07(1) and s. 24(a), Art. I of the State Constitution,
25 respectively. Patient care quality assurance is not limited to
26 ~~includes~~ medical peer review activities and fetal infant
27 mortality reviews.

28 Section 12. Paragraph (c) of subsection (3) and the
29 introductory paragraph and paragraph (g) of subsection (4) of
30 section 381.0065, Florida Statutes, 1996 Supplement, are
31 amended to read:

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

3 (3) DUTIES AND POWERS OF THE DEPARTMENT ~~OF HEALTH AND~~
4 ~~REHABILITATIVE SERVICES~~.--The Department of Health shall:

5 (c) Develop a comprehensive program to ensure that
6 onsite sewage treatment and disposal systems regulated by the
7 department are sized, designed, constructed, installed,
8 repaired, modified, abandoned, and maintained in compliance
9 with this section and rules adopted under this section to
10 prevent groundwater contamination and surface water
11 contamination and to preserve the public health. The
12 department ~~State Health Office~~ is the final administrative
13 interpretive authority regarding rule interpretation. In the
14 event of a conflict regarding rule interpretation, the
15 Division Director ~~Assistant Health Officer~~ for Environmental
16 Health of the department ~~of Health and Rehabilitative~~
17 ~~Services~~, or his or her designee, shall timely assign a staff
18 person to resolve the dispute.

19 (4) PERMITS; INSTALLATION; AND CONDITIONS.--A person
20 may not construct, repair, modify, abandon, or operate an
21 onsite sewage treatment and disposal system without first
22 obtaining a permit approved by the department ~~of Health and~~
23 ~~Rehabilitative Services~~. The department may issue permits to
24 carry out this section. A construction permit is valid for 18
25 months from the issuance date and may be extended by the
26 department for one 90-day period under rules adopted by the
27 department. A repair permit is valid for 90 days from the
28 date of issuance. An operating permit is valid for 1 year
29 from the date of issuance and must be renewed annually. If
30 all information pertaining to the siting, location, and
31 installation conditions or repair of an onsite sewage

1 treatment and disposal system remains the same, a construction
2 or repair permit for the onsite sewage treatment and disposal
3 system may be transferred to another person, if the transferee
4 files, within 60 days after the transfer of ownership, an
5 amended application providing all corrected information and
6 proof of ownership of the property. There is no fee
7 associated with the processing of this supplemental
8 information. A person may not contract to construct, modify,
9 alter, repair, service, abandon, or maintain any portion of an
10 onsite sewage treatment and disposal system without being
11 registered under part III of chapter 489. A property owner
12 who personally performs construction, maintenance, or repairs
13 to a system serving his or her own owner-occupied
14 single-family residence is exempt from registration
15 requirements for performing such construction, maintenance, or
16 repairs on that residence, but is subject to all permitting
17 requirements.

18 (g)1. The department may grant variances in hardship
19 cases which may be less restrictive than the provisions
20 specified in this section. If a variance is granted and the
21 onsite sewage treatment and disposal system construction
22 permit has been issued, the variance may be transferred with
23 the system construction permit, if the transferee files,
24 within 60 days after the transfer of ownership, an amended
25 construction permit application providing all corrected
26 information and proof of ownership of the property and if the
27 same variance would have been required for the new owner of
28 the property as was originally granted to the original
29 applicant for the variance. There is no fee associated with
30 the processing of this supplemental information. A variance
31

1 may not be granted under this section until the department is
2 satisfied that:

- 3 a. The hardship was not caused intentionally by the
4 action of the applicant;
5 b. No reasonable alternative exists for the treatment
6 of the sewage; and
7 c. The discharge from the onsite sewage treatment and
8 disposal system will not adversely affect the health of the
9 applicant or the public or significantly degrade the
10 groundwater or surface waters.

11

12 Where soil conditions, water table elevation, and setback
13 provisions are determined by the department to be
14 satisfactory, special consideration must be given to those
15 lots platted before 1972.

16 2. The department shall appoint a variance review and
17 advisory committee, which shall meet monthly to recommend
18 agency action on variance requests. The board consists of the
19 following:

- 20 a. The Division Director ~~Assistant Health Officer~~ for
21 Environmental Health of the department ~~of Health and~~
22 ~~Rehabilitative Services~~ or his or her designee.
23 b. A representative from the county public health
24 units.
25 c. A representative from the home building industry.
26 d. A representative from the septic tank industry.
27 e. A representative from the Department of
28 Environmental Protection.

29

30 Members shall be appointed for a term of 3 years, with such
31 appointments being staggered so that the terms of no more than

1 two members expire in any one year. Members shall serve
2 without remuneration, but may be reimbursed for per diem and
3 travel expenses as provided in s. 112.061.

4 Section 13. Section 381.0101, Florida Statutes, is
5 amended to read:

6 381.0101 Environmental health professionals.--

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

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

22 (a) "Board" means the Environmental Health
23 Professionals Advisory Certification Board.

24 (b) "Department" means the Department of Health ~~and~~
25 ~~Rehabilitative Services~~.

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

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

1 the environmental health or sanitary conditions within a
2 building, on an individual's property, or within the community
3 at large, and who has the knowledge, skills, and abilities to
4 carry out these tasks.

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

8 (f) "Registered sanitarian" or "R.S." means a person
9 who has been certified by either the National Environmental
10 Health Association or the Florida Environmental Health
11 Association as knowledgeable in the environmental health
12 profession.

13 (g) "Primary environmental health program" means those
14 programs determined by the department to be essential for
15 providing basic environmental and sanitary protection to the
16 public. At a minimum, these programs shall include food
17 hygiene evaluations, and onsite sewage treatment and
18 ~~wastewater~~ disposal system evaluations.

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

26 (4) ENVIRONMENTAL HEALTH PROFESSIONALS ADVISORY
27 BOARD.--The State Health Officer shall appoint an advisory
28 board to assist the department in the promulgation of rules
29 for certification, testing, establishing standards, and
30 seeking enforcement actions against certified professionals.

31

1 (a) The board shall be comprised of the Division
2 Director ~~Assistant Health Officer~~ for Environmental Health or
3 his or her designee, one individual who will be certified
4 under this section, one individual not employed in a
5 governmental capacity who will or does employ a certified
6 environmental health professional, one individual whose
7 business is or will be evaluated by a certified environmental
8 health professional, a citizen of the state who neither
9 employs nor is routinely evaluated by a person certified under
10 this section.

11 (b) The board shall advise the department as to the
12 minimum standards of competency and proficiency necessary to
13 obtain certification in a primary area of environmental health
14 practice.

15 1. The board shall recommend primary areas of
16 environmental health practice in which environmental health
17 professionals should be required to obtain certification.

18 2. The board shall recommend minimum standards of
19 practice which the department shall incorporate into rule.

20 3. The board shall evaluate and recommend to the
21 department existing registrations and certifications which
22 meet or exceed minimum department standards and should,
23 therefore, exempt holders of such certificates or
24 registrations from compliance with this section.

25 4. The board shall hear appeals of certificate
26 denials, revocation, or suspension and shall advise the
27 department as to the disposition of such an appeal.

28 5. The board shall meet as often as necessary, but no
29 less than semiannually, handle appeals to the department, and
30 conduct other duties of the board.

31

1 6. Members of the board shall receive no compensation
2 but shall be reimbursed for per diem and travel expenses in
3 accordance with s. 112.061.

4 (5) STANDARDS FOR CERTIFICATION.--The department shall
5 adopt rules that establish minimum standards of education,
6 training, or experience for those persons subject to this
7 section. The rules shall also address ethical standards of
8 practice for the profession.

9 (a) Persons employed as environmental health
10 professionals shall exhibit a knowledge of rules and
11 principles of environmental and public health law in Florida
12 through examination. No person shall conduct environmental
13 health evaluations in a primary program area unless he or she
14 is currently certified in that program area or works under the
15 direct supervision of a certified environmental health
16 professional.

17 1. All ~~such~~ persons who begin employment in a primary
18 environmental health program on or after September 21, 1994,
19 ~~must July 1, 1991, shall~~ be certified in that program within 6
20 months after employment.

21 2. Persons employed in a primary environmental health
22 program prior to September 21, 1994, shall be considered
23 certified July 1, 1991, are exempt from certification
24 requirements while employed in that position and shall be
25 required to adhere to any professional standards established
26 by the department pursuant to paragraph (b); complete any
27 continuing education requirements imposed under paragraph (d);
28 and pay the certificate renewal fee imposed under subsection
29 (7).

30 3. Persons employed in a primary environmental health
31 program prior to September 21, 1994, who change positions or

1 program areas and transfer into another primary environmental
2 health program area on or after September 21, 1994, must be
3 certified in that program within 6 months after such transfer,
4 except that they will not be required to possess the college
5 degree required under paragraph (e).

6 4. Registered sanitarians shall be considered
7 certified and shall be required to adhere to any professional
8 standards established by the department pursuant to paragraph
9 (b).

10 (b) At a minimum, the department shall establish
11 standards for professionals in the areas of food hygiene and
12 onsite sewage treatment and disposal.

13 (c) Those persons conducting primary environmental
14 health evaluations shall be certified by examination to be
15 knowledgeable in any primary area of environmental health in
16 which they are routinely assigned duties.

17 (d) Persons who are certified shall renew their
18 certification biennially by completing not less than 24 ~~6~~
19 contact hours of continuing education for each program area in
20 which they maintain certification.

21 (e) Applicants for certification shall have graduated
22 from an accredited 4-year college or university with major
23 coursework in environmental health, environmental science, or
24 a physical or biological science.

25 (6) EXEMPTIONS.--A person who conducts primary
26 environmental evaluation activities and maintains a current
27 registration or certification from another state agency which
28 examined the person's knowledge of the primary program area
29 and requires comparable continuing education to maintain the
30 certificate shall not be required to be certified by this
31 section. Examples of persons not subject to certification are

1 physicians, registered dietitians, certified laboratory
2 personnel, and nurses. ~~Registered sanitarians are deemed to~~
3 ~~have met the certification requirements of this section.~~

4 (7) FEES.--The department shall charge fees in amounts
5 necessary to meet the cost of providing certification.
6 ~~Application Fees for certification in a program area shall be~~
7 ~~no less than \$25 nor more than \$300 and shall be set by rule~~
8 ~~\$100. Application, examination, and certification costs shall~~
9 ~~be included in this fee. Certification fees shall be no less~~
10 ~~than \$25 nor more than \$50 per biennium.~~ Fees for renewal of a
11 certificate shall be no less than \$25 nor more than \$150 ~~\$50~~
12 per biennium.

13 (8) PENALTIES.--The department may deny, suspend, or
14 revoke a certificate or impose an administrative fine of up to
15 \$500 for each violation of this section or a rule adopted
16 under this section or may pursue any other enforcement action
17 authorized by law. Any person who has had a certificate
18 revoked may not conduct environmental health evaluations in a
19 primary program area for a minimum of 5 years from the date of
20 revocation.

21 Section 14. Paragraph (e) is added to subsection (2)
22 of section 381.0203, Florida Statutes, to read:

23 381.0203 Pharmacy services.--

24 (2) The department may establish and maintain a
25 pharmacy services program, including, but not limited to:

26 (e) A contraception distribution program which shall
27 be implemented, to the extent resources permit, through the
28 licensed pharmacies of county health departments. A woman who
29 is eligible for participation in the contraceptive
30 distribution program is deemed a patient of the county health
31 department.

- 1 1. To be eligible for participation in the program a
2 woman must:
3 a. Be a client of the department or the Department of
4 Children and Family Services.
5 b. Be of childbearing age with undesired fertility.
6 c. Have an income between 150 and 200 percent of the
7 federal poverty level.
8 d. Have no Medicaid benefits or applicable health
9 insurance benefits.
10 e. Have had a medical examination by a licensed health
11 care provider within the past 6 months.
12 f. Have a valid prescription for contraceptives that
13 are available through the contraceptive distribution program.
14 g. Consent to the release of necessary medical
15 information to the county health department.
16 2. Fees charged for the contraceptives under the
17 program must cover the cost of purchasing and providing
18 contraceptives to women participating in the program.
19 3. The department may adopt rules to administer this
20 program.

21 Section 15. Subsections (3) and (12) of section
22 381.0302, Florida Statutes, are amended to read:

23 381.0302 Florida Health Services Corps.--

24 (3) The Florida Health Services Corps shall be
25 developed by the department ~~State Health Office~~ in cooperation
26 with the programs in the area Health Education Center network
27 as defined in s. 381.0402 and the state's health care
28 education and training institutions. The State Health Officer
29 shall be the director of the Florida Health Services Corps.

30 (12) Funds appropriated under this section shall be
31 deposited in the Florida Health Services Corps Trust Fund,

1 which shall be administered by the department ~~State Health~~
2 ~~Office~~. The department may use funds appropriated for the
3 Florida Health Services Corps as matching funds for federal
4 service-obligation scholarship programs for health care
5 practitioners, such as the Demonstration Grants to States for
6 Community Scholarship Grants program. If funds appropriated
7 under this section are used as matching funds, federal
8 criteria shall be followed whenever there is a conflict
9 between provisions in this section and federal requirements.

10 Section 16. Subsection (1) of section 381.0405,
11 Florida Statutes, is amended to read:

12 381.0405 Office of Rural Health.--

13 (1) ESTABLISHMENT.--The Department of Health shall
14 establish an Office of Rural Health ~~within the State Health~~
15 ~~Office~~. The Office of Rural Health shall coordinate its
16 activities with the area health education center network
17 established pursuant to s. 381.0402 and with any appropriate
18 research and policy development centers within universities
19 that have state-approved medical schools. The Office of Rural
20 Health may enter into a formal relationship with any center
21 that designates the office as an affiliate of the center.

22 Section 17. Subsections (13), (16), and (17), and
23 paragraph (a) of subsection (15), of section 381.0406, Florida
24 Statutes, are amended to read:

25 381.0406 Rural health networks.--

26 (13) TRAUMA SERVICES.--In those network areas which
27 have an established trauma agency approved by the Department
28 of Health ~~and Rehabilitative Services~~, that trauma agency must
29 be a participant in the network. Trauma services provided
30 within the network area must comply with s. 395.037.

31

1 (15) NETWORK IMPLEMENTATION.--As funds become
2 available, networks shall be developed and implemented in two
3 phases.

4 (a) Phase I shall consist of a network planning and
5 development grant program ~~administered by the Agency for~~
6 ~~Health Care Administration in consultation with the State~~
7 ~~Health Officer~~. Planning grants shall be used to organize
8 networks, incorporate network boards, and develop formal
9 provider agreements as provided for in this section. The
10 Department of Health ~~Agency for Health Care Administration~~
11 shall develop a request-for-proposal process to solicit grant
12 applications.

13 (16) CERTIFICATION.--For the purpose of certifying
14 networks that are eligible for Phase II funding, the
15 Department of Health ~~Agency for Health Care Administration, in~~
16 ~~consultation with the State Health Office,~~ shall certify
17 networks that meet the criteria delineated in this section and
18 the rules governing rural health networks.

19 (17) RULES.--The Department of Health ~~Agency for~~
20 ~~Health Care Administration, in consultation with the State~~
21 ~~Health Office,~~ shall establish rules that govern the creation
22 and certification of networks, including establishing outcome
23 measures for networks.

24 Section 18. Section 381.04065, Florida Statutes, is
25 amended to read:

26 381.04065 Rural health network cooperative
27 agreements.--

28 (1) INTENT.--It is the Legislature's intent that, to
29 the extent necessary to foster the development of rural health
30 networks as provided for in s. 381.0406, competitive market
31 forces shall be replaced with state regulation, as provided

1 for in this section ~~subsections (2) and (3)~~. It is also the
2 intent of the Legislature that consolidation of network
3 hospital services or technologies undertaken pursuant to this
4 section, and cooperative agreements between members of rural
5 health networks, shall not violate the state's antitrust laws
6 when such arrangements improve the quality of health care,
7 moderate cost increases, and are made between members of rural
8 health networks as defined in s. 381.0406. It is also the
9 intent of the Legislature that such arrangements be protected
10 from federal antitrust laws, subject to the approval and
11 supervision of the Department of Health ~~Agency for Health Care~~
12 ~~Administration~~. Such intent is within the public policy of the
13 state to facilitate the provision of quality, cost-efficient
14 medical care to rural patients.

15 (2) DEPARTMENT STATE ACTION ~~APPROVAL~~.--Providers who
16 are members of certified rural health networks who seek to
17 consolidate services or technologies or enter into cooperative
18 agreements shall seek approval from the Department of Health
19 ~~Agency for Health Care Administration~~, which may consult with
20 the Department of Legal Affairs. The department agency shall
21 determine that the likely benefits resulting from the
22 agreement outweigh any disadvantages attributable to any
23 potential reduction in competition resulting from the
24 agreement and issue a letter of approval if, in its
25 determination, the agreement reduces or moderates costs and
26 meets any of the following criteria:

27 (a) Consolidates services or facilities in a market
28 area used by rural health network patients to avoid
29 duplication;

30 (b) Promotes cooperation between rural health network
31 members in the market area;

1 (c) Encourages cost sharing among rural health network
2 facilities;

3 (d) Enhances the quality of rural health care; or

4 (e) Improves utilization of rural health resources and
5 equipment.

6 (3) STATE OVERSIGHT.--The Department of Health ~~agency~~
7 shall review each agreement approved under this section
8 ~~subsection (2)~~ at least every 2 years. If the department
9 ~~agency~~ determines that the likely benefits resulting from its
10 state action approval no longer outweigh any disadvantages
11 attributable to any potential reduction in competition
12 resulting from the agreement, the department ~~agency~~ shall
13 initiate proceedings to terminate its state action approval
14 governing the agreement. Such termination proceeding shall be
15 governed by chapter 120, ~~the Florida Administrative Procedure~~
16 ~~Act~~.

17 (4) JUDICIAL REVIEW.--Any applicant aggrieved by a
18 decision of the Department of Health ~~Agency for Health Care~~
19 ~~Administration~~ shall be entitled to both administrative and
20 judicial review thereof in accordance with chapter 120. In
21 such review, the decision of the department ~~agency~~ shall be
22 affirmed unless it is arbitrary, capricious, or it is not in
23 compliance with this section.

24 (5) RULEMAKING.--The Department of Health ~~Agency for~~
25 ~~Health Care Administration~~, in consultation with the State
26 ~~Health Office and the~~ Office of the Attorney General, shall
27 establish rules necessary to implement this section.

28 Section 19. Subsections (3) through (7) of section
29 381.0407, Florida Statutes, 1996 Supplement, are amended to
30 read:

31

1 381.0407 Managed care and publicly funded primary care
2 program coordination.--
3 (3) DEFINITIONS.--As used in this section the term:
4 (a) "Managed care plan" or "plan" means an entity that
5 contracts with the Agency for Health Care Administration on a
6 prepaid or fixed-sum basis for the provision of Medicaid
7 services pursuant to s. 409.912.
8 (b) "Publicly funded primary care provider" or "public
9 provider" means a county health department ~~public health unit~~
10 or a migrant health center funded under s. 329 of the Public
11 Health Services Act or a community health center funded under
12 s. 330 of the Public Health Services Act.
13 (4) REIMBURSEMENT REQUIRED.--Without prior
14 authorization, managed care plans, and the MediPass program as
15 administered by the Agency for Health Care Administration,
16 shall pay claims initiated by any public provider, to the
17 extent the managed care plan or MediPass program provides
18 coverage, for:
19 (a) The diagnosis and treatment of sexually
20 transmitted diseases and other communicable diseases such as
21 tuberculosis and human immunodeficiency virus infection
22 ~~syndrome~~.
23 (b) The provision of immunizations.
24 (c) Family planning services and related
25 pharmaceuticals.
26 (d) School health services listed in paragraphs (a),
27 (b), and (c) and ~~for~~ services rendered on an urgent basis.
28 Services rendered on an urgent basis are ~~those~~ health care
29 services needed to immediately relieve pain or distress for
30 medical problems such as injuries, nausea, and fever, and
31

1 ~~services needed~~ to treat infectious diseases and other similar
2 conditions.

3
4 Public providers shall attempt to contact managed care plans
5 before providing health care services to their subscribers.
6 Public providers shall provide managed care plans with the
7 results of the office visit, including test results, and shall
8 be reimbursed by managed care plans at the rate negotiated
9 between the managed care plan and the public provider or, if a
10 rate has not been negotiated, at the lesser of either the rate
11 charged by the public provider or the Medicaid fee-for-service
12 reimbursement rate.

13 (5) EMERGENCY SHELTER MEDICAL SCREENING
14 REIMBURSEMENT.--County health departments ~~public health units~~
15 shall be reimbursed by managed care plans, and the MediPass
16 program as administered by the Agency for Health Care
17 Administration, for clients of the Department of Children and
18 Family Health and Rehabilitative Services who receive
19 emergency shelter medical screenings.

20 (6) MATERNAL AND CHILD HEALTH SERVICES.--The Agency
21 for Health Care Administration, in consultation with the
22 Department of Health State Health Office, shall encourage
23 agreements between Medicaid-financed managed care plans and
24 public providers for the authorization of and payment for the
25 following services:

- 26 (a) Maternity case management.
27 (b) Well-child care.
28 (c) Prenatal care.

29 (7) VACCINE-PREVENTABLE DISEASE EMERGENCIES.--In the
30 event that a vaccine-preventable disease emergency is declared
31 by the State Health Officer or a county health department

1 ~~public health unit~~ director or administrator, managed care
2 plans, the MediPass program as administered by the Agency for
3 Health Care Administration, and health maintenance
4 organizations and prepaid health clinics licensed under
5 chapter 641 shall reimburse county health departments ~~public~~
6 ~~health units~~ for the cost of the administration of vaccines to
7 persons covered by these entities, provided such action is
8 necessary to end the emergency. Reimbursement shall be at the
9 rate negotiated between the entity and the county health
10 department ~~public health unit~~ or, if a rate has not been
11 negotiated, at the lesser of either the rate charged by the
12 county health department ~~public health unit~~ or the Medicaid
13 fee-for-service reimbursement rate. No charge shall be made
14 by the county health department ~~public health unit~~ for the
15 actual cost of the vaccine or ~~and~~ for services not covered
16 under the policy or contract of the entity.

17 Section 20. Section 383.3362, Florida Statutes, is
18 amended to read:

19 383.3362 Sudden Infant Death Syndrome.--

20 (1) FINDINGS AND INTENT.--The Legislature recognizes
21 that ~~research has shown~~ Sudden Infant Death Syndrome, or SIDS,
22 <U>is to be a leading cause of death among children under the age
23 of 1 year, both nationally and in this state. The Legislature
24 further recognizes that first responders to emergency calls
25 relating to such a death need access to special training to
26 better enable them to distinguish SIDS from death caused by
27 criminal acts and to appropriately interact with the deceased
28 infant's parents or caretakers. At the same time, the
29 Legislature, recognizing that the primary focus of first
30 responders is to carry out their assigned duties, intends to
31 increase the awareness of SIDS by first responders, but in no

1 way expand or take away from their duties. Further, the
2 Legislature recognizes the importance of a standard protocol
3 for review of SIDS deaths by medical examiners and the
4 importance of appropriate followup in cases of certified or
5 suspected SIDS deaths. ~~Further, the Legislature recognizes~~
6 ~~the benefits of establishing a SIDS Advisory Council.~~
7 Finally, the Legislature finds that it is desirable to analyze
8 existing data, and to conduct further research on, the
9 possible causes of SIDS and how to lower the number of sudden
10 infant deaths.

11 (2) DEFINITION.--As used in this section, the term
12 "Sudden Infant Death Syndrome," or "SIDS," means the sudden
13 unexpected death of an infant under 1 year of age which
14 remains unexplained after a complete autopsy, death-scene
15 investigation, and review of the case history. The term
16 includes only those deaths for which, currently, there is no
17 known cause or cure.

18 (3) TRAINING.--

19 (a) The Legislature finds that an emergency medical
20 technician, a paramedic, a firefighter, or a law enforcement
21 officer is likely to be the first responder to a request for
22 assistance which is made immediately after the sudden
23 unexpected death of an infant. The Legislature further finds
24 that these first responders should be trained in appropriate
25 responses to sudden infant death.

26 (b) After January 1, 1995, the basic training programs
27 required for certification as an emergency medical technician,
28 a paramedic, a firefighter, or a law enforcement officer as
29 defined in s. 943.10, other than a correctional officer or a
30 correctional probation officer, must include curriculum that
31 contains instruction on Sudden Infant Death Syndrome.

1 (c) ~~On or before January 1, 1994,~~The Department of
2 Health ~~and Rehabilitative Services,~~ in consultation with ~~the~~
3 ~~Sudden Infant Death Syndrome Advisory Council,~~the Emergency
4 Medical Services Advisory Council, the Firefighters Standards
5 and Training Council, and the Criminal Justice Standards and
6 Training Commission, shall develop and adopt, by rule,
7 curriculum that, at a minimum, includes training in the nature
8 of SIDS, standard procedures to be followed by law enforcement
9 agencies in investigating cases involving sudden deaths of
10 infants, and training in responding appropriately to the
11 parents or caretakers who have requested assistance.

12 (4) AUTOPSIES.--

13 (a) The medical examiner must perform an autopsy upon
14 any infant under the age of 1 year who is suspected to have
15 died of Sudden Infant Death Syndrome. The autopsy must be
16 performed within 24 hours after the death, or as soon
17 thereafter as is feasible. When the medical examiner's
18 findings are consistent with the definition of sudden infant
19 death syndrome in subsection (2), the medical examiner must
20 state on the death certificate that sudden infant death
21 syndrome was the cause of death.

22 (b) ~~Before January 1, 1994,~~The Medical Examiners
23 Commission shall develop and implement a protocol for dealing
24 with suspected sudden infant death syndrome. The protocol must
25 be followed by all medical examiners when conducting the
26 autopsies required under this subsection. The protocol may
27 include requirements and standards for scene investigations,
28 requirements for specific data, criteria for ascertaining
29 cause of death based on the autopsy, criteria for any specific
30 tissue sampling, and any other requirements that the
31 commission considers necessary.

1 (c) A medical examiner is not liable for damages in a
2 civil action for any act or omission done in compliance with
3 this subsection.

4 (d) An autopsy must be performed under the authority
5 of a medical examiner under s. 406.11.

6 ~~(5) VISITATION BY COUNTY PUBLIC HEALTH NURSE OR SOCIAL
7 WORKER.--~~

8 ~~(a) After the death of an infant which is attributed
9 to Sudden Infant Death Syndrome, a county public health unit
10 nurse or professional social worker affiliated with the county
11 public health unit must attempt to visit the parents or
12 guardians of the deceased, in order to provide the parents or
13 guardians with appropriate educational and support services.~~

14 ~~(b) A nurse or social worker who conducts visits under
15 paragraph (a) must receive training in providing appropriate
16 educational and support services to the parents or guardians
17 of an infant whose death is attributed to SIDS. The State
18 Health Office shall by rule prescribe the requirements for the
19 training, including content, protocol, and frequency.~~

20 ~~(6) SUDDEN INFANT DEATH SYNDROME ADVISORY COUNCIL.--~~

21 ~~(a) There is created the Sudden Infant Death Syndrome
22 Advisory Council, consisting of nine members appointed by the
23 secretary of the Department of Health and Rehabilitative
24 Services in consultation with the Florida SIDS Alliance, of
25 whom three are members of SIDS parents' groups, one is a
26 medical examiner, one is a county public health nurse, one is
27 a physician who has expertise in SIDS, one is a law
28 enforcement officer, one is an emergency medical technician,
29 and one is a paramedic. Either the emergency medical
30 technician or the paramedic must also be a firefighter. Each
31 member must be appointed for a term of 3 years, except that,~~

1 ~~of the initial appointees, who must be appointed before~~
2 ~~October 1, 1993, three must be appointed for terms of 1 year~~
3 ~~each, two must be appointed for terms of 2 years each, and~~
4 ~~three must be appointed for terms of 3 years each.~~

5 ~~(b) The council shall meet at least annually, and hold~~
6 ~~additional meetings by teleconference as necessary, and shall~~
7 ~~annually choose a chair from among its membership.~~

8 ~~(c) The State Health Office shall administer and~~
9 ~~provide support staff to the council.~~

10 ~~(d) The duties of the council are:~~

11 ~~1. To provide guidance to the department in the~~
12 ~~development of training, educational, and research programs~~
13 ~~regarding SIDS.~~

14 ~~2. To provide ongoing guidance to the Governor and the~~
15 ~~Legislature regarding the need for specific programs regarding~~
16 ~~SIDS for specific targeted groups of persons.~~

17 ~~3. To establish a link with the fetal and infant~~
18 ~~mortality reviews of the county Healthy Start Coalitions~~
19 ~~authorized under chapter 383, to the extent that those~~
20 ~~coalitions exist in the various counties.~~

21 ~~4. In conjunction with the department or a person with~~
22 ~~whom the department contracts to provide SIDS education, to~~
23 ~~convene annually a statewide conference for examining the~~
24 ~~progress in discovering the cause of SIDS, exploring the~~
25 ~~progress of newly established programs and services relating~~
26 ~~to SIDS, identifying future needs for legislation and program~~
27 ~~development regarding SIDS, and making recommendations on the~~
28 ~~needs of programs regarding SIDS. Invited conference~~
29 ~~participants shall include professionals and service providers~~
30 ~~in the area of SIDS, family members of SIDS victims, members~~
31

1 ~~of the Legislature or their staffs, and appropriate state~~
2 ~~agency staff.~~

3 ~~(e) The members of the advisory council shall serve at~~
4 ~~the pleasure of the secretary. The members of the advisory~~
5 ~~council shall serve without compensation, but may be~~
6 ~~reimbursed for necessary per diem and travel expenses incurred~~
7 ~~in the performance of the duties of the advisory council, as~~
8 ~~provided in s. 112.061.~~

9 (5)~~(7)~~ DEPARTMENT STATE HEALTH OFFICE, DUTIES RELATING
10 TO SUDDEN INFANT DEATH SYNDROME (SIDS).--The Department of
11 State Health Office shall:

12 (a) Collaborate with other agencies in the development
13 and presentation of the Sudden Infant Death Syndrome (SIDS)
14 training programs for first responders, including those for
15 emergency medical technicians and paramedics, firefighters,
16 and law enforcement officers.

17 (b) Maintain a database of statistics on reported SIDS
18 deaths, and analyze the data as funds allow.

19 ~~(c) Administer and provide staff support for the~~
20 ~~Sudden Infant Death Syndrome Advisory Council.~~

21 (c)~~(d)~~ Serve as liaison and closely coordinate
22 activities with the Florida SIDS Alliance, including the
23 services related to the SIDS hotline.

24 (d)~~(e)~~ Maintain a library reference list and materials
25 about SIDS for public dissemination.

26 (e)~~(f)~~ Provide professional support to field staff.

27 (f) Coordinate the activities of and promote a link
28 between the fetal and infant mortality review committees of
29 the local healthy start coalitions, the local SIDS alliance,
30 and other related support groups.

31

1 ~~(g) Provide professional support services to people~~
2 ~~who are affected by AIDS.~~

3 ~~(h) Prepare and submit to the Governor, the President~~
4 ~~of the Senate, and the Speaker of the House of Representatives~~
5 ~~an annual report, beginning January 1, 1995, which must~~
6 ~~include information on the training programs for first~~
7 ~~responders, the results of visitation by county public health~~
8 ~~unit personnel, a summary of the information presented at the~~
9 ~~annual conference, and statistical data and findings from~~
10 ~~research relating to AIDS.~~

11 ~~(8) FISCAL CONSTRAINT.--This section may be~~
12 ~~implemented only to the extent that funding is provided by the~~
13 ~~Legislature.~~

14 Section 21. Section 385.202, Florida Statutes, 1996
15 Supplement, is amended to read:

16 385.202 Statewide cancer registry.--

17 (1) Each facility ~~hospital~~ licensed under ~~pursuant to~~
18 chapter 395 and each freestanding radiation therapy center as
19 defined in s. 408.07 shall report to the Department of Health
20 ~~and Rehabilitative Services~~ such information, specified by the
21 department, by rule, which indicates ~~as will indicate~~
22 diagnosis, stage of disease, medical history, laboratory data,
23 tissue diagnosis, and radiation, surgical, or other methods of
24 diagnosis or treatment for ~~on~~ each cancer diagnosed or ~~patient~~
25 treated by the facility or center ~~hospital~~. Failure to comply
26 with this requirement may be cause for registration or
27 licensure suspension or revocation ~~of the license of any such~~
28 ~~hospital~~. Ambulatory surgical centers and freestanding
29 radiation therapy centers shall only be required to report
30 cancer information that has not previously been recorded by
31

1 another facility or cannot be retrieved from existing state
2 reports as reported to the centers by the department.

3 (2) The department shall establish, or cause to have
4 established, by contract with a recognized medical
5 organization in this state and its affiliated institutions, a
6 statewide cancer registry program to ensure that cancer
7 reports required under this section ~~as required in subsection~~
8 ~~(1)~~ shall be maintained and ~~shall be~~ available for use in the
9 course of any study for the purpose of reducing morbidity or
10 mortality; and no liability of any kind or character for
11 damages or other relief shall arise or be enforced against any
12 hospital by reason of having provided such information or
13 material to the department.

14 (3) The department or a contractual designee operating
15 the statewide cancer registry program required by this section
16 ~~act~~ shall use or publish said material only for the purpose of
17 advancing medical research or medical education in the
18 interest of reducing morbidity or mortality, except that a
19 summary of such studies may be released for general
20 publication. Information which discloses or could lead to the
21 disclosure of the identity of any person whose condition or
22 treatment has been reported and studied shall be confidential
23 and exempt from the provisions of s. 119.07(1), except that:

24 (a) Release may be made with the written consent of
25 all persons to whom the information applies;

26 (b) The department or a contractual designee may
27 contact individuals for the purpose of epidemiologic
28 investigation and monitoring, provided information that is
29 confidential under this section is not further disclosed; or

30 (c) The department may exchange personal data with any
31 other governmental agency or a contractual designee for the

1 purpose of medical or scientific research, provided such
2 governmental agency or contractual designee shall not further
3 disclose information that is confidential under this section.
4 (4) Funds appropriated for this section act shall be
5 used ~~utilized~~ for the ~~purposes of~~ establishing, administering,
6 compiling, processing, and providing ~~suitable~~ biometric and
7 statistical analyses to the reporting facilities ~~hospitals and~~
8 ~~shall be utilized to help defray the expenses incurred by the~~
9 ~~reporting hospitals in providing information to the cancer~~
10 ~~registry.~~ Funds may also be used to ensure the quality and
11 accuracy of the information reported and to provide management
12 information to the reporting facilities. Such reporting
13 hospitals shall be reimbursed for reasonable costs.

14 (5) The department may, by rule, classify facilities
15 for purposes of reports made to the cancer registry and
16 specify the content and frequency of the reports. The
17 provisions of this section act shall not apply to any facility
18 ~~hospital~~ whose primary function is to provide psychiatric care
19 to its patients.

20 Section 22. Section 385.203, Florida Statutes, is
21 amended to read:

22 385.203 Diabetes Advisory Council; creation; function;
23 membership.--

24 (1) There is created a Diabetes Advisory Council to
25 the diabetes centers, the Board of Regents, and the Department
26 of Health and Rehabilitative Services. The council shall:

27 (a) Serve as a forum for the discussion and study of
28 issues related to the delivery of health care services to ~~for~~
29 persons with diabetes.

30 (b) Provide advice and consultation to~~+~~

31

1 ~~1.~~ the deans of the medical schools in which are
2 located diabetes centers, and by June 30 of each year, the
3 council shall submit written recommendations to the deans
4 regarding the need for diabetes education, treatment, and
5 research activities to promote the prevention and control of
6 diabetes.

7 ~~(c)2.~~ The secretary of the department, and By June 30
8 of each year, ~~the council shall~~ meet with the Secretary of
9 Health or his or her designee to make specific recommendations
10 regarding the public health aspects of the prevention and
11 control of diabetes.

12 ~~(c)~~ ~~By October 1, 1991, and, subsequently, no later~~
13 ~~than October 1 of each year preceding a legislative session~~
14 ~~for which a biennial budget is submitted, submit to the~~
15 ~~Governor and the Legislature a diabetes state plan. The plan~~
16 ~~must be developed with administrative assistance from the~~
17 ~~department and must contain information regarding: the~~
18 ~~problems of diabetes in Florida; the resources currently~~
19 ~~available and needed to address the problems; the goals and~~
20 ~~methods by which the department, the diabetes centers, the~~
21 ~~council, and the health care community should address the~~
22 ~~problems; and an evaluation scheme for assessing progress. The~~
23 ~~plan shall set the overall policy and procedures for~~
24 ~~establishing a statewide health care delivery system for~~
25 ~~diabetes mellitus.~~

26 (2) The members of the council shall be appointed by
27 the Governor from nominations by the Board of Regents, the
28 Board of Trustees of the University of Miami, and the
29 Secretary of ~~the Department of Health and Rehabilitative~~
30 ~~Services~~. Members shall serve 4-year terms or until their
31 successors are appointed or qualified.

1 (3) The council shall be composed of 18 citizens of
2 the state as follows: four practicing physicians; one
3 representative from each medical school; seven interested
4 citizens, at least three of whom shall be persons who have or
5 have had diabetes mellitus or who have a child with diabetes
6 mellitus; the ~~Deputy~~ Secretary of ~~for~~ Health or his or her
7 designee; one representative from the Division of Children's
8 Medical Services of the Department of Health ~~Program Office~~;
9 and one professor of nutrition.

10 (4)(a) The council shall annually elect from its
11 members a chair and a secretary. The council shall meet at
12 the chair's discretion; however, at least three meetings shall
13 be held each year.

14 (b) In conducting its meetings, the council shall use
15 accepted rules of procedure. A majority of the members of the
16 council constitutes a quorum, and action by a majority of a
17 quorum is necessary for the council to take any official
18 action. The secretary shall keep a complete record of the
19 proceedings of each meeting. The record shall show the names
20 of the members present and the actions taken. The records
21 shall be kept on file with the department, and these and other
22 documents about matters within the jurisdiction of the council
23 may be inspected by members of the council.

24 (5) Members of the council shall serve without
25 remuneration but may be reimbursed for per diem and travel
26 expenses as provided in s. 112.061, to the extent resources
27 are available.

28 (6) The department shall serve as an intermediary for
29 the council if the council coordinates, applies for, or
30 accepts any grants, funds, gifts, or services made available
31 to it by any agency or department of the Federal Government,

1 or any private agency or individual, for assistance in the
2 operation of the council or the diabetes centers established
3 in the various medical schools.

4 ~~(7) The department shall consider the plan of the~~
5 ~~advisory council in dispersing funds appropriated for the~~
6 ~~prevention and control of diabetes.~~

7 Section 23. Subsections (1), (2), and (4) of section
8 392.52, Florida Statutes, are amended to read:

9 392.52 Definitions.--As used in this chapter, the
10 term:

11 (1) "Active tuberculosis" means tuberculosis disease
12 that is demonstrated to be contagious by clinical or
13 ~~bacteriological, or radiographic~~ evidence, or by other means
14 as determined by rule of the department. Tuberculosis disease
15 is considered active until cured.

16 (2) "County health department ~~public health unit~~"
17 means an agency or entity designated as such in chapter 154.

18 (4) "Department" means the Department of Health ~~and~~
19 ~~Rehabilitative Services.~~

20 Section 24. Section 392.551, Florida Statutes, is
21 created to read:

22 392.551 Parental consent to examination.--The consent
23 of a minor's parent or guardian is not required for the
24 department or its authorized representative to examine a minor
25 to determine if the minor has been exposed to or has active
26 tuberculosis.

27 Section 25. Section 392.565, Florida Statutes, is
28 amended to read:

29 392.565 Execution of certificate for involuntary
30 hold.--When a person who has active tuberculosis or who is
31 reasonably suspected of having ~~or having been exposed to~~

1 active tuberculosis presents to a physician licensed under
2 chapter 458 or chapter 459 for examination or treatment and
3 the physician has reason to believe that if the person leaves
4 the treatment location the person will pose a threat to the
5 public health based on test results or the patient's medical
6 history and the physician has reason to believe that the
7 person is not likely to appear at a hearing scheduled under s.
8 392.55 or s. 392.56, the treating physician shall request the
9 State Health Officer or his or her designee to order that the
10 person be involuntarily held by executing a certificate
11 stating that the person appears to meet the criteria for
12 involuntary examination or treatment and stating the
13 observation upon which that conclusion is based. The sheriff
14 of the county in which the certificate was issued shall take
15 such person into custody and shall deliver the person to the
16 nearest available licensed hospital, or to another location
17 where isolation is available, as appropriate, for observation,
18 examination, and treatment for a period not to exceed 72
19 hours, pending a hearing scheduled under s. 392.55 or s.
20 392.56. The certificate must be filed with the circuit court
21 in which the person is involuntarily held and constitutes a
22 petition for a hearing under s. 392.55 or s. 392.56.

23 Section 26. Subsections (2) and (4) of section 392.62,
24 Florida Statutes, are amended to read:

25 392.62 Hospitalization and placement programs.--

26 (2) The department may operate a licensed hospital for
27 the care and treatment to cure of persons who have active
28 tuberculosis. The hospital may have a forensic unit where,
29 under medical protocol, a patient can be held in a secure or
30 protective setting. ~~However,~~The department shall also seek
31 to maximize use of existing licensed community hospitals for

1 the care and treatment to cure of persons who have active
2 tuberculosis.

3 (4) A hospital may, pursuant to court order, place a
4 patient in temporary isolation for a period of no more than 72
5 continuous hours. The department shall obtain a court order in
6 the same manner as prescribed in s. 392.57. Nothing in this
7 subsection precludes a hospital from isolating an infectious
8 patient for medical reasons.

9 Section 27. Subsections (4) and (5) of section
10 395.3025, Florida Statutes, 1996 Supplement, are amended to
11 read:

12 395.3025 Patient and personnel records; copies;
13 examination.--

14 (4) Patient records are confidential and must not be
15 disclosed without the consent of the person to whom they
16 pertain, but appropriate disclosure may be made without such
17 consent to:

18 (a) Licensed facility personnel and attending
19 physicians for use in connection with the treatment of the
20 patient.

21 (b) Licensed facility personnel only for
22 administrative purposes or risk management and quality
23 assurance functions.

24 (c) The agency, for purposes of health care cost
25 containment.

26 (d) In any civil or criminal action, unless otherwise
27 prohibited by law, upon the issuance of a subpoena from a
28 court of competent jurisdiction and proper notice by the party
29 seeking such records to the patient or his or her legal
30 representative.

31

1 (e) The agency ~~or the Department of Business and~~
2 ~~Professional Regulation~~ upon subpoena issued pursuant to s.
3 455.223, but the records obtained thereby must be used solely
4 for the purpose of the agency ~~or the Department of Business~~
5 ~~and Professional Regulation~~ and the appropriate professional
6 board in its investigation, prosecution, and appeal of
7 disciplinary proceedings. If the agency ~~or the Department of~~
8 ~~Business and Professional Regulation~~ requests copies of the
9 records, the facility shall charge no more than its actual
10 copying costs, including reasonable staff time. The records
11 must be sealed and must not be available to the public
12 pursuant to s. 119.07(1) or any other statute providing access
13 to records, nor may they be available to the public as part of
14 the record of investigation for and prosecution in
15 disciplinary proceedings made available to the public by the
16 agency, ~~the Department of Business and Professional~~
17 ~~Regulation~~, or the appropriate regulatory board. However, the
18 agency ~~or the Department of Business and Professional~~
19 ~~Regulation~~ must make available, upon written request by a
20 practitioner against whom probable cause has been found, any
21 such records that form the basis of the determination of
22 probable cause.

23 (f) The Department of Health or its agent, for the
24 purpose of establishing and maintaining a trauma registry and
25 for the purpose of ensuring that hospitals and trauma centers
26 are in compliance with the standards and rules established
27 under ss. 395.401, 395.4015, 395.4025, 395.404, 395.4045, and
28 395.405, and for the purpose of monitoring patient outcome at
29 hospitals and trauma centers that provide trauma care
30 services.

31

1 (g) The Department of Children and Family Health and
2 ~~Rehabilitative~~ Services or its agent, for the purpose of
3 investigations of cases of abuse, neglect, or exploitation of
4 children or disabled adults or elderly persons.

5 (h) The State Long-Term Care Ombudsman Council and the
6 district long-term care ombudsman councils, with respect to
7 the records of a patient who has been admitted from a nursing
8 home or long-term care facility, when the councils are
9 conducting an investigation involving the patient as
10 authorized under part II of chapter 400, upon presentation of
11 identification as a council member by the person making the
12 request. Disclosure under this paragraph shall only be made
13 after a competent patient or the patient's representative has
14 been advised that disclosure may be made and the patient has
15 not objected.

16 (i) A local trauma agency or a regional trauma agency
17 that performs quality assurance activities, or a panel or
18 committee assembled to assist a local trauma agency or a
19 regional trauma agency in performing quality assurance
20 activities. Patient records obtained under this paragraph are
21 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I
22 of the State Constitution.

23 (j) Organ procurement organizations, tissue banks, and
24 eye banks required to conduct death records reviews pursuant
25 to s. 395.2050.

26 (5) The Department of Health may examine patient
27 records of a licensed facility, whether held by the facility
28 or the Agency for Health Care Administration, for the purpose
29 of epidemiological investigations., ~~provided that~~ The
30 unauthorized release of information by agents of the
31 department which would identify an individual patient is a

1 misdemeanor of the first ~~second~~ degree, punishable as provided
2 in s. 775.082 or s. 775.083.

3 Section 28. Paragraphs (c) through (l) of subsection
4 (1) of section 395.401, Florida Statutes, are redesignated as
5 paragraphs (d) through (m), respectively, and a new paragraph
6 (c) is added to said subsection to read:

7 395.401 Trauma services system plans; verification of
8 trauma centers and pediatric trauma referral centers;
9 procedures; renewal.--

10 (1) As used in this part, the term:

11 (c) "Department" means the Department of Health.

12 Section 29. Subsection (1) of section 401.107, Florida
13 Statutes, is amended to read:

14 401.107 Definitions.--As used in this part, the term:

15 (1) "Department" means the Department of Health ~~and~~
16 ~~Rehabilitative Services.~~

17 Section 30. Section 401.111, Florida Statutes, is
18 amended to read:

19 401.111 Emergency medical services grant program;
20 authority.--~~The department of Health and Rehabilitative~~
21 ~~Services~~ is hereby authorized to make grants to local agencies
22 and emergency medical services organizations in accordance
23 with any agreement entered into pursuant to this part. These
24 grants shall be designed to assist said agencies and
25 organizations in providing emergency medical services. The
26 cost of administering this program shall be paid by the
27 department from funds appropriated to it.

28 Section 31. The introductory paragraph of section
29 401.117, Florida Statutes, is amended to read:

30 401.117 Grant agreements; conditions.--~~The department~~
31 ~~of Health and Rehabilitative Services~~ shall use the following

1 guidelines in developing the procedures for grant
2 disbursement:

3 Section 32. Subsections (10) and (21) of section
4 401.23, Florida Statutes, are amended to read:

5 401.23 Definitions.--As used in this part, the term:

6 (10) "Department" means the Department of Health ~~and~~
7 ~~Rehabilitative Services~~.

8 (21) "Secretary" means the Secretary of Health ~~and~~
9 ~~Rehabilitative Services~~.

10 Section 33. Paragraphs (a) and (c) of subsection (2)
11 and subsection (5) of section 401.245, Florida Statutes, are
12 amended to read:

13 401.245 Emergency Medical Services Advisory Council.--

14 (2)(a) No more than 15 members may be appointed to
15 this council. ~~Each district of the department shall, when~~
16 ~~possible, be represented on the advisory council.~~ Members
17 shall be appointed for 4-year terms in such a manner that each
18 year the terms of approximately one-fourth of the members
19 expire. The chair of the council shall be designated by the
20 secretary. Vacancies shall be filled for the remainder of
21 unexpired terms in the same manner as the original
22 appointment. Members shall receive no compensation but may be
23 reimbursed for per diem and travel expenses.

24 (c) Appointments to the council shall be made by the
25 secretary ~~of the Department of Health and Rehabilitative~~
26 ~~Services~~, except that state agency representatives shall be
27 appointed by the respective agency head.

28 (5) The department ~~of Health and Rehabilitative~~
29 ~~Services~~ shall adopt rules to implement this section, which
30 rules shall serve as formal operating procedures for the
31 Emergency Medical Services Advisory Council.

1 Section 34. Section 401.252, Florida Statutes, is
2 amended to read:

3 401.252 Interfacility transfer.--

4 (1) A licensed basic or advanced life support
5 ambulance service may conduct interfacility transfers in a
6 permitted ambulance, using a registered nurse in place of an
7 emergency medical technician or paramedic, if:

8 (a) The registered nurse holds a current certificate
9 of successful course completion in advanced cardiac life
10 support;

11 (b) The physician in charge has granted permission for
12 such a transfer, has designated the level of service required
13 for such transfer, and has deemed the patient to be in such a
14 condition appropriate to this type of ambulance staffing; and

15 (c) The registered nurse operates within the scope of
16 chapter 464.

17 (2) A licensed basic or advanced life support service
18 may conduct interfacility transfers in a permitted ambulance
19 if the patient's treating physician certifies that the
20 transfer is medically appropriate and the physician provides
21 reasonable transfer orders. An interfacility transfer must be
22 conducted in a permitted ambulance if it is determined that
23 the patient needs, or is likely to need, medical attention
24 during transport. If the emergency medical technician or
25 paramedic believes the level of patient care required during
26 the transfer is beyond his or her capability, the medical
27 director, or his or her designee, must be contacted for
28 clearance prior to conducting the transfer. If necessary, the
29 medical director, or his or her designee, shall attempt to
30 contact the treating physician for consultation to determine
31 the appropriateness of the transfer.

1 (3) Infants less than 28 days old or infants weighing
2 less than 5 kilograms, who require critical care interfacility
3 transport to a neonatal intensive care unit, shall be
4 transported in a permitted advanced life support or basic life
5 support transport ambulance, or in a permitted advanced life
6 support or basic life support ambulance that is recognized by
7 the department as meeting designated criteria for neonatal
8 interfacility critical care transport.

9 (4) The department shall adopt and enforce rules to
10 carry out this section, including rules for permitting,
11 equipping, and staffing transport ambulances and that govern
12 the medical direction under which interfacility transfers take
13 place.

14 Section 35. Subsection (2) of section 401.265, Florida
15 Statutes, is amended to read:

16 401.265 Medical directors.--

17 (2) Each medical director shall establish a quality
18 assurance committee to provide for quality assurance review of
19 all emergency medical technicians and paramedics operating
20 under his or her supervision. If the medical director has
21 reasonable belief that conduct by an emergency medical
22 technician or paramedic may constitute one or more grounds for
23 discipline as provided by this part, he or she shall document
24 facts and other information related to the alleged violation.
25 The medical director shall report to the department ~~of Health~~
26 ~~and Rehabilitation Services~~ any emergency medical technician
27 or paramedic whom the medical director reasonably believes to
28 have acted in a manner which might constitute grounds for
29 disciplinary action. Such a report of disciplinary concern
30 must include a statement and documentation of the specific
31 acts of the disciplinary concern. Within 7 days after receipt

1 of such a report, the department shall provide the emergency
2 medical technician or paramedic a copy of the report of the
3 disciplinary concern and documentation of the specific acts
4 related to the disciplinary concern. If the department
5 determines that the report is insufficient for disciplinary
6 action against the emergency medical technician or paramedic
7 pursuant to s. 401.411, the report shall be expunged from the
8 record of the emergency medical technician or paramedic.

9 Section 36. Subsection (8) of section 401.27, Florida
10 Statutes, is amended to read:

11 401.27 Personnel; standards and certification.--

12 (8) Each emergency medical technician certificate and
13 each paramedic certificate will expire automatically and may
14 be renewed if the holder meets the qualifications for renewal
15 as established by the department. A certificate that is not
16 renewed at the end of the 2-year period will automatically
17 revert to an inactive status for a period not to exceed 180
18 days. Such certificate may be reactivated and renewed within
19 the 180 days if the certificateholder meets all other
20 qualifications for renewal and pays a \$25 late fee.
21 Reactivation shall be in a manner and on forms prescribed by
22 department rule. The holder of a certificate that expired on
23 December 1, 1996, shall have until September 30, 1997, to
24 reactivate the certificate in accordance with this subsection.

25 Section 37. Section 402.105, Florida Statutes, is
26 renumbered as section 381.85, Florida Statutes, and paragraph
27 (a) of subsection (2) of said section is amended to read:

28 381.85 ~~402.105~~ Biomedical and social research.--

29 (2) DEFINITIONS.--When used in this section:

30 (a) "Department" means the Department of Health ~~and~~
31 ~~Rehabilitative Services.~~

1 Section 38. Section 402.32, Florida Statutes, is
2 renumbered as section 381.0056, Florida Statutes, and
3 subsections (3) through (8) of said section are amended to
4 read:

5 381.0056 ~~402.32~~ School health services program.--

6 (3) When used in this ~~The following words and phrases~~
7 ~~have the following meanings for the purpose of this section:~~

8 (a) "Emergency health needs" means onsite management
9 and aid for illness or injury pending the student's return to
10 the classroom or release to a parent, guardian, designated
11 friend, or designated health care provider.

12 (b) "Invasive screening" means any screening procedure
13 in which the skin or any body orifice is penetrated.

14 (c) "Physical examination" means a thorough evaluation
15 of the health status of an individual.

16 (d) "School health services plan" means the document
17 that describes the services to be provided, the responsibility
18 for provision of the services, the anticipated expenditures to
19 provide the services, and evidence of cooperative planning by
20 local school districts and county health departments ~~public~~
21 ~~health units of the Department of Health and Rehabilitative~~
22 ~~Services.~~

23 (e) "Screening" means presumptive identification of
24 unknown or unrecognized diseases or defects by the application
25 of tests that can be given with ease and rapidity to
26 apparently healthy persons.

27 (4) The Department of Health ~~and Rehabilitative~~
28 ~~Services~~ shall have the responsibility, in cooperation with
29 the Department of Education, to supervise the administration
30 of the school health services program and perform periodic
31 program reviews. However, the principal of each school shall

1 have immediate supervisory authority over the health personnel
2 working in the school.

3 (5) Each county health department ~~public health unit~~
4 shall develop, jointly with the district school board and the
5 local school health advisory committee, a health services
6 plan; and the plan shall include, at a minimum, provisions
7 for:

8 (a) Health appraisal;

9 (b) Records review;

10 (c) Nurse assessment;

11 (d) Nutrition assessment;

12 (e) A preventive dental program;

13 (f) Vision screening;

14 (g) Hearing screening;

15 (h) Scoliosis screening;

16 (i) Growth and development screening;

17 (j) Health counseling;

18 (k) Referral and followup of suspected or confirmed
19 health problems by the local county health department ~~public~~
20 ~~health unit~~;

21 (l) Meeting emergency health needs in each school;

22 (m) County health department ~~Public health unit~~
23 personnel to assist school personnel in health education
24 curriculum development;

25 (n) Referral of students to appropriate health
26 treatment, in cooperation with the private health community
27 whenever possible;

28 (o) Consultation with a student's parent or guardian
29 regarding the need for health attention by the family
30 physician, dentist, or other specialist when definitive
31 diagnosis or treatment is indicated;

1 (p) Maintenance of records on incidents of health
2 problems, corrective measures taken, and such other
3 information as may be needed to plan and evaluate health
4 programs; except, however, that provisions in the plan for
5 maintenance of health records of individual students must be
6 in accordance with s. 228.093;

7 (q) Health information which will be provided by the
8 school health nurses, when necessary, regarding the placement
9 of students in exceptional student programs and the
10 reevaluation at periodic intervals of students placed in such
11 programs; and

12 (r) Notification to the local nonpublic schools of the
13 school health services program and the opportunity for
14 representatives of the local nonpublic schools to participate
15 in the development of the cooperative health services plan.

16 (6) A nonpublic school may request to participate in
17 the school health services program. A nonpublic school
18 voluntarily participating in the school health services
19 program shall:

20 (a) Cooperate with the county health department ~~public~~
21 ~~health unit~~ and district school board in the development of
22 the cooperative health services plan;

23 (b) Make available physical facilities for health
24 services;

25 (c) Provide inservice health training to school
26 personnel;

27 (d) Cooperate with public health personnel in the
28 implementation of the school health services plan;

29 (e) Be subject to health service program reviews by
30 the Department of Health ~~and Rehabilitative Services~~ and the
31 Department of Education; and

1 (f) At the beginning of each school year, inform
2 parents or guardians in writing that their children who are
3 students in the school will receive specified health services
4 as provided for in the district health services plan. A
5 student will be exempt from any of these services if his or
6 her parent or guardian requests such exemption in writing.
7 This paragraph shall not be construed to authorize invasive
8 screening; if there is a need for such procedure, the consent
9 of the student's parent or guardian shall be obtained in
10 writing prior to performing the screening. However, the laws
11 and rules relating to contagious or communicable diseases and
12 sanitary matters shall not be violated.

13 (7) The district school board shall:

14 (a) Coordinate the educational aspects of the school
15 health services program with the Florida Comprehensive Health
16 Education and Substance Abuse Prevention Act ~~Comprehensive~~
17 ~~Health Education Act of 1973~~;

18 (b) Include health services and health education as
19 part of the comprehensive plan for the school district;

20 (c) Provide inservice health training for school
21 personnel;

22 (d) Make available physical facilities for health
23 services; and

24 (e) At the beginning of each school year, inform
25 parents or guardians in writing that their children who are
26 students in the district schools will receive specified health
27 services as provided for in the district health services plan.
28 A student will be exempt from any of these services if his or
29 her parent or guardian requests such exemption in writing.
30 This paragraph shall not be construed to authorize invasive
31 screening; if there is a need for such procedure, the consent

1 of the student's parent or guardian shall be obtained in
2 writing prior to performing the screening. However, the laws
3 and rules relating to contagious or communicable diseases and
4 sanitary matters shall not be violated.

5 (8) The Department of Health ~~and Rehabilitative~~
6 ~~Services~~, in cooperation with the Department of Education, is
7 authorized to promulgate rules necessary to implement this
8 section.

9 Section 39. Section 402.321, Florida Statutes, is
10 renumbered as section 381.0057, Florida Statutes, and
11 subsections (2), (3), and (4) of said section are amended to
12 read:

13 381.0057 ~~402.321~~ Funding for school health services.--

14 (2) The Secretary of Health ~~and Rehabilitative~~
15 ~~Services~~, or his or her designee, in cooperation with the
16 Commissioner of Education, or his or her designee, shall
17 publicize the availability of funds, targeting those school
18 districts or schools which have a high incidence of medically
19 underserved high-risk children, low birthweight babies, infant
20 mortality, or teenage pregnancy.

21 (3) The Secretary of Health ~~and Rehabilitative~~
22 ~~Services~~, or his or her designees, in cooperation with the
23 Commissioner of Education, or his or her designees, in equal
24 representation, shall form a joint committee to evaluate and
25 select the school districts or schools to be funded.

26 (4) Any school district, school, or laboratory school
27 which desires to receive state funding under the provisions of
28 this section shall submit a proposal to the joint committee
29 established in subsection (3). The proposal shall state the
30 goals of the program, provide specific plans for reducing
31 teenage pregnancy, and describe all of the health services to

1 be available to students with funds provided pursuant to this
2 section, including a combination of initiatives such as health
3 education, counseling, extracurricular, and self-esteem
4 components. School health services shall not promote elective
5 termination of pregnancy as a part of counseling services.
6 Only those program proposals which have been developed jointly
7 by county health departments ~~public health units~~ and local
8 school districts or schools, and which have community and
9 parental support, shall be eligible for funding. Funding
10 shall be available specifically for implementation of one of
11 the following programs:

12 (a) School health improvement pilot project.--The
13 program shall include basic health care to an elementary
14 school, middle school, and high school feeder system. Program
15 services shall include, but not be limited to:

16 1. Planning, implementing, and evaluating school
17 health services. Staffing shall include a full-time, trained
18 school health aide in each elementary, middle, and high
19 school; one full-time nurse to supervise the aides in the
20 elementary and middle schools; and one full-time nurse in each
21 high school.

22 2. Providing student health appraisals and
23 identification of actual or potential health problems by
24 screenings, nursing assessments, and record reviews.

25 3. Expanding screening activities.

26 4. Improving the student utilization of school health
27 services.

28 5. Coordinating health services for students with
29 parents or guardians and other agencies in the community.

30 (b) Student support services team program.--The
31 program shall include a multidisciplinary team composed of a

1 psychologist, social worker, and nurse whose responsibilities
2 are to provide basic support services and to assist, in the
3 school setting, children who exhibit mild to severely complex
4 health, behavioral, or learning problems affecting their
5 school performance. Support services shall include, but not
6 be limited to: evaluation and treatment for minor illnesses
7 and injuries, referral and followup for serious illnesses and
8 emergencies, onsite care and consultation, referral to a
9 physician, and followup care for pregnancy or chronic diseases
10 and disorders as well as emotional or mental problems.
11 Services also shall include referral care for drug and alcohol
12 abuse and sexually transmitted diseases, sports and employment
13 physicals, immunizations, and in addition, effective
14 preventive services aimed at delaying early sexual involvement
15 and aimed at pregnancy, acquired immune deficiency syndrome,
16 sexually transmitted diseases, and destructive lifestyle
17 conditions, such as alcohol and drug abuse. Moneys for this
18 program shall be used to fund three teams, each consisting of
19 one half-time psychologist, one full-time nurse, and one
20 full-time social worker. Each team shall provide student
21 support services to an elementary school, middle school, and
22 high school that are a part of one feeder school system and
23 shall coordinate all activities with the school administrator
24 and guidance counselor at each school. A program which places
25 all three teams in middle schools or high schools may also be
26 proposed.

27 (c) Full service schools.--The full-service schools
28 shall integrate the services of the Department of Health ~~and~~
29 ~~Rehabilitative Services~~ that are critical to the
30 continuity-of-care process. The department of ~~Health and~~
31 ~~Rehabilitative Services~~ shall provide services to students on

1 the school grounds. ~~The Department of Health and~~
2 ~~Rehabilitative Services~~ personnel shall provide their
3 specialized services as an extension of the educational
4 environment. Such services may include nutritional services,
5 medical services, aid to dependent children, parenting skills,
6 counseling for abused children, and education for the
7 students' parents or guardians.

8
9 Funding may also be available for any other program that is
10 comparable to a program described in this subsection but is
11 designed to meet the particular needs of the community.

12 Section 40. Section 402.41, Florida Statutes, is
13 amended to read:

14 402.41 Educational materials and training concerning
15 human immunodeficiency virus infections and acquired immune
16 deficiency syndrome.--The Department of Health ~~and~~
17 ~~Rehabilitative Services~~ shall develop educational materials
18 and training about the transmission, control, and prevention
19 of human immunodeficiency virus infections and acquired immune
20 deficiency syndrome and other communicable diseases relevant
21 for use in those facilities licensed under the provisions of
22 this chapter.

23 Section 41. Section 402.475, Florida Statutes, 1996
24 Supplement, is renumbered as section 381.87, Florida Statutes,
25 and subsections (1) and (3) of said section are amended to
26 read:

27 381.87 ~~402.475~~ Osteoporosis prevention and education
28 program.--

29 (1) The Department of Health ~~and Rehabilitative~~
30 ~~Services~~, using available federal funds, state funds
31 appropriated for that purpose, or other available funding as

1 provided for in this section, shall establish, promote, and
2 maintain an osteoporosis prevention and education program to
3 promote public awareness of the causes of osteoporosis,
4 options for prevention, the value of early detection, and
5 possible treatments, including the benefits and risks of those
6 treatments. The department shall consult with medical
7 professionals, including physicians licensed under chapter 458
8 or chapter 459, in carrying out these duties. The department
9 may accept, for that purpose, any special grant of money,
10 services, or property from the Federal Government or any of
11 its agencies or from any foundation, organization, or medical
12 school.

13 (3) The Department of Health ~~State Health Office~~ shall
14 implement this section. The department ~~State Health Office~~
15 shall consult with the Agency for Health Care Administration
16 and the Department of Elderly Affairs with respect to the
17 prevention and education activities relating to osteoporosis
18 which are described in this section.

19 Section 42. Section 402.60, Florida Statutes, is
20 renumbered as section 381.88, Florida Statutes, and subsection
21 (3) of said section is amended to read:

22 381.88 ~~402.60~~ Insect sting emergency treatment.--

23 (3) The Department of Health ~~and Rehabilitative~~
24 ~~Services~~ may:

25 (a) Adopt rules necessary to administer this section.

26 (b) Conduct educational training programs as described
27 in subsection (4), and approve programs conducted by other
28 persons or governmental agencies.

29 (c) Issue and renew certificates of training to
30 persons who have complied with this section and the rules
31 adopted by the department.

1 (d) Collect fees necessary to administer this section.

2 Section 43. Section 402.61, Florida Statutes, is
3 renumbered as section 381.89, Florida Statutes, and paragraph
4 (b) of subsection (1) of said section is amended to read:

5 381.89 ~~402.61~~ Regulation of tanning facilities.--

6 (1) As used in this section:

7 (b) "Department" means the Department of Health ~~and~~
8 ~~Rehabilitative Services.~~

9 Section 44. Subsection (41) of section 403.703,
10 Florida Statutes, 1996 Supplement, is amended to read:

11 403.703 Definitions.--As used in this act, unless the
12 context clearly indicates otherwise, the term:

13 (41) "Recovered materials processing facility" means a
14 facility engaged solely in the storage, processing, resale, or
15 reuse of recovered materials. Such a facility is not a solid
16 waste management facility if it meets the conditions of s.
17 403.7045(1)(~~e~~)(f).

18 Section 45. Subsection (6) of section 404.031, Florida
19 Statutes, is amended to read:

20 404.031 Definitions.--As used in this chapter, unless
21 the context clearly indicates otherwise, the term:

22 (6) "Department" means the Department of Health ~~and~~
23 ~~Rehabilitative Services.~~

24 Section 46. The catchline of section 404.051, Florida
25 Statutes, is amended to read:

26 404.051 Powers and duties of the department ~~of Health~~
27 ~~and Rehabilitative Services.~~--

28 Section 47. Paragraphs (a) and (b) of subsection (2)
29 of section 404.056, are amended, paragraphs (e) through (h) of
30 subsection (3) are redesignated as paragraphs (f) through (i),
31

1 respectively, and a new paragraph (e) is added to subsection
2 (3) of said section, to read:

3 404.056 Environmental radiation standards and
4 programs; radon protection.--

5 (2) FLORIDA COORDINATING COUNCIL ON RADON
6 PROTECTION.--

7 (a) Establishment.--It is declared to be in the best
8 interest of the state that public agencies responsible for and
9 involved in radon protection activities work together to
10 reduce duplication of effort, foster maximum efficient use of
11 existing resources, advise and assist the agencies involved in
12 radon protection and mitigation in implementing the best
13 management practices and the best available technology in
14 limiting exposure to radon, identify outside funding sources
15 and recommend priorities for research into the effects of
16 radon, and enhance communication between all interests
17 involved in radon protection and mitigation activities.
18 Therefore, the Florida Coordinating Council on Radon
19 Protection is hereby established as an advisory body, ~~as~~
20 ~~defined in s. 11.611(3)(a)~~, to the Department of Community
21 Affairs in developing the construction and mitigation
22 standards required by s. 553.98 and to the department of
23 ~~Health and Rehabilitative Services~~ in developing the public
24 information program on radon and radon progeny as required by
25 subsection (4).

26 (b) Membership.--The Florida Coordinating Council on
27 Radon Protection shall be composed of the following
28 representatives or their authorized designees:

- 29 1. The Secretary of Community Affairs;
30 2. The Secretary of Health ~~and Rehabilitative~~
31 ~~Services~~;

- 1 3. The Commissioner of Education or a representative;
- 2 4. An expert in the mitigation or prevention of radon,
3 the development of building codes designed to control and
4 abate radon, or the development of construction techniques to
5 mitigate the effects of radon in existing buildings, one
6 representative of one of these fields to be jointly appointed
7 by the University of South Florida and Florida Agricultural
8 and Mechanical University, and one representative of one of
9 these fields to be appointed by the University of Florida.
10 Two representatives from any of these fields shall be
11 appointed by the Board of Regents from other universities in
12 the state;
- 13 5. One representative each from the Florida
14 Association of the American Institute of Architects, the
15 Florida Engineering Society, the Associated General
16 Contractors Council, the Florida Association of Counties, the
17 Florida League of Cities, the Florida Association of Realtors,
18 the Florida Home Builders Association, and the Florida
19 Phosphate Council; and an elected official of county
20 government, to be appointed by the Association of Counties;
21 and an elected official of city government, to be appointed by
22 the League of Cities;
- 23 6. One representative each from two recognized
24 voluntary health agencies to be appointed by the Secretary of
25 Health and ~~Rehabilitative Services~~; and
- 26 7. One representative each from two public interest
27 consumer groups to be appointed by the Secretary of ~~the~~
28 ~~Department of~~ Community Affairs.
- 29 (3) CERTIFICATION.--
- 30 (e) Any person who practices fraud, deception, or
31 misrepresentation in performing radon gas or radon progeny

1 measurements or in performing mitigation of buildings for
2 radon gas or radon progeny is subject to the penalties
3 provided in s. 404.161.

4 Section 48. Subsections (2), (3), and (5) of section
5 404.0614, Florida Statutes, are amended to read:

6 404.0614 Licensing of commercial low-level radioactive
7 waste management facilities.--

8 (2) The department, within 90 days of receiving an
9 application for a license to construct, operate, or close a
10 commercial low-level radioactive waste management facility,
11 shall forward a copy of the application to the Department of
12 Environmental Protection and, after review by both
13 departments, notify the applicant of any errors or omissions
14 and request any additional information needed by the
15 Department of Environmental Protection to issue a report to
16 the Department of Health ~~and Rehabilitative Services~~ as
17 required by subsection (3) and needed by the Department of
18 Health ~~and Rehabilitative Services~~ to review the license
19 application.

20 (3) The department, after receiving a complete license
21 application, shall notify the Department of Environmental
22 Protection that a complete license application to construct,
23 operate, or close a commercial low-level radioactive waste
24 management facility has been received, shall send a copy of
25 the complete application to the Department of Environmental
26 Protection, and shall request a report from the Department of
27 Environmental Protection describing the ecological,
28 meteorological, topographical, hydrological, geological, and
29 seismological characteristics of the proposed site. Such
30 report shall be completed no later than 180 days from the date
31 the department requests the report. The Department of

1 Environmental Protection shall be reimbursed for the cost of
2 the report from fees collected by the Department of Health ~~and~~
3 ~~Rehabilitative Services~~ pursuant to subsection (8).

4 (5) The department shall consider the report by the
5 Department of Environmental Protection in addition to
6 information required by the Department of Health ~~and~~
7 ~~Rehabilitative Services~~ in the license application and, within
8 180 days from receiving that report, decide whether to grant a
9 license to construct, operate, or close the commercial
10 low-level radioactive waste management facility. Such a
11 license shall be subject to renewal by the department as
12 specified in the terms of the license initially granted by the
13 department. The failure of the department to renew a license
14 does not relieve the licensee of any obligations incurred
15 under this section.

16 Section 49. Subsection (1) of section 404.131, Florida
17 Statutes, 1996 Supplement, is amended to read:

18 404.131 Fees.--

19 (1) The department ~~of Health and Rehabilitative~~
20 ~~Services~~ is authorized to charge and collect reasonable fees
21 for specific and general licenses and for the registration of
22 radiation machines. The fees shall not exceed the estimated
23 costs to the department of performing licensing, registration,
24 inspection, and other regulatory duties. Unless otherwise
25 provided by law, such fees shall be deposited to the credit of
26 the Radiation Protection Trust Fund, to be held and applied
27 solely for salaries and expenses of the department incurred in
28 implementing and enforcing the provisions of this chapter.

29 Section 50. Subsections (1), (2), (6), and (8) of
30 section 404.20, Florida Statutes, are amended to read:

31 404.20 Transportation of radioactive materials.--

1 (1) The department ~~of Health and Rehabilitative~~
2 ~~Services~~ shall adopt reasonable rules governing the
3 transportation of radioactive materials which, in the judgment
4 of the department, will promote the public health, safety, or
5 welfare and protect the environment.

6 (a) Such rules shall be limited to provisions for the
7 packing, marking, loading, and handling of radioactive
8 materials, and the precautions necessary to determine whether
9 the material when offered is in proper condition for
10 transport, and shall include criteria for departmental
11 approval of routes in this state which are to be used for the
12 transportation of radioactive materials as defined in 49
13 C.F.R. s. 173.403(1)(1), (2), and (3) and (n)(4)(i), (ii), and
14 (iii), and all radioactive materials shipments destined for
15 treatment, storage, or disposal facilities as defined in the
16 Southeast Interstate Low-Level Radioactive Waste Compact. The
17 department may designate routes in the state to be used for
18 the transportation of all other shipments of radioactive
19 materials.

20 (b) Such rules shall be compatible with, but no less
21 restrictive than, those established by the United States
22 Nuclear Regulatory Commission, the United States Federal
23 Aviation Agency, the United States Department of
24 Transportation, the United States Coast Guard, or the United
25 States Postal Service.

26 (2)(a) Rules adopted by the department ~~of Health and~~
27 ~~Rehabilitative Services~~ pursuant to subsection (1) may be
28 enforced, within their respective jurisdictions, by any
29 authorized representative of the department ~~of Health and~~
30 ~~Rehabilitative Services~~, the Department of Highway Safety and
31 Motor Vehicles, and the Department of Transportation.

1 (b) The department ~~of Health and Rehabilitative~~
2 ~~Services~~, through any authorized representative, is authorized
3 to inspect any records of persons engaged in the
4 transportation of radioactive materials when such records
5 reasonably relate to the method or contents of packing,
6 marking, loading, handling, or shipping of radioactive
7 materials.

8 (c) The department ~~of Health and Rehabilitative~~
9 ~~Services~~, through any authorized representative, is authorized
10 to enter upon and inspect the premises or vehicles of any
11 person engaged in the transportation of radioactive materials,
12 with or without a warrant, for the purpose of determining
13 compliance with the provisions of this section and the rules
14 promulgated hereunder.

15 (6) Any person desiring to transport radioactive
16 materials into or through the borders of this state, destined
17 to a treatment, storage, or disposal facility as defined in
18 the Southeast Interstate Low-Level Radioactive Waste Compact,
19 shall obtain a permit from the department ~~of Health and~~
20 ~~Rehabilitative Services~~ to bring such materials into the
21 state. A permit application shall contain the time at which
22 such radioactive materials will enter the state; a description
23 of the radioactive materials to be shipped; the proposed route
24 over which such radioactive materials will be transported into
25 the state; and, in the event that such radioactive materials
26 will leave the state, the time at which that will occur.

27 (8) Upon a finding by the department ~~of Health and~~
28 ~~Rehabilitative Services~~ that any provision of this section, or
29 of the rules adopted ~~promulgated~~ hereunder, is being violated,
30 it may issue an order requiring correction.

31

1 Section 51. Subsections (1), (2), (3), (4), and (5) of
2 section 404.22, Florida Statutes, are amended to read:

3 404.22 Radiation machines and components;
4 inspection.--

5 (1) The department ~~of Health and Rehabilitative~~
6 ~~Services~~ and its duly authorized agents have the power to
7 inspect in a lawful manner at all reasonable hours any
8 hospital or other health care facility or other place in the
9 state in which a radiation machine is installed for the
10 purpose of determining whether the facility, the radiation
11 machine and its components, the film and film processing
12 equipment, and the resultant image produced meet the standards
13 of the department ~~of Health and Rehabilitative Services~~ as set
14 forth in this chapter and rules adopted pursuant thereto. If,
15 in the opinion of the department, a radiation machine which
16 fails to meet such standards can be made to meet the standards
17 through an adjustment or limitation upon the stations or range
18 of the radiation machine or through the purchase of a
19 component meeting the standards, the department shall order
20 the owner of the radiation machine to make the necessary
21 adjustment or to purchase the necessary component within 90
22 days of the date or receipt of the order. However, if the
23 radiation machine cannot be made to meet the standards, the
24 department shall order the owner to cease the utilization of
25 the radiation machine.

26 (2) Any person who enters the state with a radiation
27 machine or component owned by him for the purpose of
28 installing and utilizing the radiation machine shall register
29 the radiation machine with the department ~~of Health and~~
30 ~~Rehabilitative Services~~. The department shall inspect the
31 radiation machine to determine its compliance with the

1 standards and shall approve or disapprove the radiation
2 machine or shall order adjustments to the radiation machine in
3 accordance with the provisions of subsection (1).

4 (3) No person shall sell or offer to sell in this
5 state any radiation machine or component thereof which does
6 not meet the standards of the department ~~of Health and~~
7 ~~Rehabilitative Services~~ or which cannot be adjusted to meet
8 such standards in accordance with the provisions of subsection
9 (1).

10 (4) The department ~~of Health and Rehabilitative~~
11 ~~Services~~ shall enforce the provisions of this section and may
12 impose an administrative fine, in addition to all other fines
13 and penalties imposed by law, in an amount of \$1,000 for each
14 violation of this section.

15 (5)(a) The department may ~~is authorized to~~ charge and
16 collect reasonable fees annually for the registration and
17 inspection of radiation machines pursuant to this section.
18 Such fees shall include the registration fee provided in s.
19 404.131 and shall be deposited into the Radiation Protection
20 Trust Fund. Registration shall be on an annual basis.
21 Registration shall consist of having the registrant file, on
22 forms prescribed and furnished by the department, information
23 which includes, but is not limited to: type and number of
24 radiation machines, location of radiation machines, and
25 changes in ownership. ~~Subsequent to fiscal year 1981-1982,~~
26 The department shall establish by rule a ~~an annual~~ fee
27 schedule based upon the actual costs incurred by the
28 department in carrying out its registration and inspection
29 responsibilities, including the salaries, expenses, and
30 equipment of inspectors, but excluding costs of supervision
31 and program administration. The fee schedule shall reflect

1 differences in the frequency and complexity of inspections
2 necessary to ensure that the radiation machines are
3 functioning in accordance with the applicable standards
4 developed pursuant to this chapter and rules adopted pursuant
5 hereto.

6 (b) The fee schedule and frequency of inspections
7 shall be determined as follows:

8 1. Radiation machines which are used in the practice
9 of medicine, chiropractic medicine, osteopathic medicine, or
10 naturopathic medicine shall be inspected at least once every 2
11 years, but not more than annually, for an annual fee which is
12 not less than \$83 or more than \$145 for the first radiation
13 machine within an office or facility and not less than \$36 or
14 more than \$85 for each additional radiation machine therein.

15 2. Radiation machines which are used in the practice
16 of veterinary medicine shall be inspected at least once every
17 3 years for an annual fee which is not less than \$28 or more
18 than \$50 for the first radiation machine within an office or
19 facility and not less than \$19 or more than \$34 for each
20 additional radiation machine therein.

21 3. Radiation machines which are used for educational
22 or industrial purposes shall be inspected at least once every
23 3 years for an annual fee which is not less than \$26 or more
24 than \$47 for the first radiation machine within an office or
25 facility and not less than \$12 or more than \$23 for each
26 additional radiation machine therein.

27 4. Radiation machines which are used in the practice
28 of dentistry or podiatry shall be inspected at least once
29 every 5 years but not more often than once every 4 years for
30 an annual fee which is not less than \$16 or more than \$31 for
31 the first radiation machine within an office or facility and

1 not less than \$5 or more than \$11 for each additional
2 radiation machine therein.

3 5. Radiation machines which accelerate particles and
4 are used in the healing arts shall be inspected at least
5 annually for an annual fee which is not less than \$153 or more
6 than \$258 for the first radiation machine within an office or
7 facility and not less than \$87 or more than \$148 for each
8 additional radiation machine therein.

9 6. Radiation machines which accelerate particles and
10 are used for educational or industrial purposes shall be
11 inspected at least once every 2 years for an annual fee which
12 is not less than \$46 or more than \$81 for the first radiation
13 machine within an office or facility and not less than \$26 or
14 more than \$48 for each additional radiation machine therein.

15 7. If a radiation machine fails to meet the applicable
16 standards upon initial inspection, the department may
17 reinspect the radiation machine and charge a reinspection fee
18 in accordance with the same schedule of fees as in
19 subparagraphs 1. through 6.

20 (c) The fee schedule for fiscal year 1981-1982 shall
21 be the minimum fee prescribed in subparagraphs (b)1. through
22 6. and shall remain in effect until the effective date of a
23 fee schedule adopted ~~promulgated~~ by rule by the department
24 pursuant to this subsection.

25 Section 52. Paragraph (f) of subsection (3) of section
26 408.033, Florida Statutes, is amended to read:

27 408.033 Local and state health planning.--

28 (3) FUNDING.--

29 (f) The agency shall deposit in the Health Care Trust
30 Fund all health care facility assessments that are assessed
31 under this subsection and proceeds from the

1 certificate-of-need application fees. The agency shall
2 transfer from these funds to the Department of Health an amount
3 ~~which are~~ sufficient to maintain the aggregate funding level
4 for the local health councils and the Statewide Health Council
5 as specified in the General Appropriations Act. The remaining
6 certificate-of-need application fees shall be used only for
7 the purpose of administering the Health Facility and Services
8 Development Act.

9 Section 53. Subsection (13) of section 408.701,
10 Florida Statutes, is amended to read:

11 408.701 Community health purchasing; definitions.--As
12 used in ss. 408.70-408.706, the term:

13 (13) "Health care provider" or "provider" means a
14 state-licensed or state-authorized facility, a facility
15 principally supported by a local government or by funds from a
16 charitable organization that holds a current exemption from
17 federal income tax under s. 501(c)(3) of the Internal Revenue
18 Code, a licensed practitioner, or a county health department
19 ~~public health unit~~ established under part I of chapter 154, a
20 patient care center described in s. 391.031, a prescribed
21 pediatric extended care center defined in s. 391.202, a
22 federally supported primary-care program such as a migrant
23 health center or a community health center authorized under s.
24 329 or s. 330 of the United States Public Health Services Act
25 that which delivers health care services to individuals, or a
26 community facility that receives funds from the state under
27 the Community Alcohol, Drug Abuse, and Mental Health Services
28 Act and provides mental health services to individuals.

29 Section 54. Subsection (3) and paragraph (b) of
30 subsection (5) of section 409.905, Florida Statutes, 1996
31 Supplement, are amended to read:

1 409.905 Mandatory Medicaid services.--The agency may
2 make payments for the following services, which are required
3 of the state by Title XIX of the Social Security Act,
4 furnished by Medicaid providers to recipients who are
5 determined to be eligible on the dates on which the services
6 were provided. Any service under this section shall be
7 provided only when medically necessary and in accordance with
8 state and federal law. Nothing in this section shall be
9 construed to prevent or limit the agency from adjusting fees,
10 reimbursement rates, lengths of stay, number of visits, number
11 of services, or any other adjustments necessary to comply with
12 the availability of moneys and any limitations or directions
13 provided for in the General Appropriations Act or chapter 216.

14 (3) FAMILY PLANNING SERVICES.--The agency shall pay
15 for services necessary to enable a recipient voluntarily to
16 plan family size or to space children. These services include
17 information; education; counseling regarding the
18 availability, benefits, and risks of each method of pregnancy
19 prevention; drugs and supplies; and necessary medical care
20 and followup. Each recipient participating in the family
21 planning portion of the Medicaid program must be provided
22 freedom to choose any alternative method of family planning,
23 as required by federal law.

24 (5) HOSPITAL INPATIENT SERVICES.--The agency shall pay
25 for all covered services provided for the medical care and
26 treatment of a recipient who is admitted as an inpatient by a
27 licensed physician or dentist to a hospital licensed under
28 part I of chapter 395. However, the agency shall limit the
29 payment for inpatient hospital services for a Medicaid
30 recipient 21 years of age or older to 45 days or the number of
31 days necessary to comply with the General Appropriations Act.

1 (b) A licensed hospital maintained primarily for the
2 care and treatment of patients having mental disorders or
3 mental diseases is not eligible to participate in the hospital
4 inpatient portion of the Medicaid program except as provided
5 in federal law. However, the department shall apply for a
6 waiver, within 9 months after June 5, 1991, designed to
7 provide hospitalization services for mental health reasons to
8 children and adults in the most cost-effective and lowest cost
9 setting possible. Such waiver shall include a request for the
10 opportunity to pay for care in hospitals known under federal
11 law as "institutions for mental disease" or "IMD's." The
12 waiver proposal shall propose no additional aggregate cost to
13 the state or federal government, and shall be conducted in
14 District 6 of the Department of Children and Family Health and
15 ~~Rehabilitative~~ Services. The waiver proposal may incorporate
16 competitive bidding for hospital services, comprehensive
17 brokering, prepaid capitated arrangements, or other mechanisms
18 deemed by the department to show promise in reducing the cost
19 of acute care and increasing the effectiveness of preventive
20 care. When developing the waiver proposal, the department
21 shall take into account price, quality, accessibility,
22 linkages of the hospital to community services and family
23 support programs, plans of the hospital to ensure the earliest
24 discharge possible, and the comprehensiveness of the mental
25 health and other health care services offered by participating
26 providers. The department is directed to monitor and evaluate
27 the implementation of this waiver program if it is granted and
28 report to the chairs of the appropriations committees of the
29 Senate and the House of Representatives by February 1, 1992.

30 Section 55. Subsection (19) of section 409.908,
31 Florida Statutes, 1996 Supplement, is amended to read:

1 409.908 Reimbursement of Medicaid providers.--Subject
2 to specific appropriations, the agency shall reimburse
3 Medicaid providers, in accordance with state and federal law,
4 according to methodologies set forth in the rules of the
5 agency and in policy manuals and handbooks incorporated by
6 reference therein. These methodologies may include fee
7 schedules, reimbursement methods based on cost reporting,
8 negotiated fees, competitive bidding pursuant to s. 287.057,
9 and other mechanisms the agency considers efficient and
10 effective for purchasing services or goods on behalf of
11 recipients. Payment for Medicaid compensable services made on
12 behalf of Medicaid eligible persons is subject to the
13 availability of moneys and any limitations or directions
14 provided for in the General Appropriations Act or chapter 216.
15 Further, nothing in this section shall be construed to prevent
16 or limit the agency from adjusting fees, reimbursement rates,
17 lengths of stay, number of visits, or number of services, or
18 making any other adjustments necessary to comply with the
19 availability of moneys and any limitations or directions
20 provided for in the General Appropriations Act, provided the
21 adjustment is consistent with legislative intent.

22 (19) County health department ~~public health clinic~~
23 services may be reimbursed a rate per visit based on total
24 reasonable costs of the clinic, as determined by the agency in
25 accordance with federal regulations under the authority of 42
26 C.F.R. s. 431.615. ~~However, this cost-based reimbursement~~
27 ~~shall not be implemented until the State Health Officer has~~
28 ~~certified that cost accounting systems have been modified and~~
29 ~~are in place prior to implementation in a specific county in~~
30 ~~order to ensure accurate and timely reporting of~~
31 ~~Medicaid-related costs in accordance with established Medicaid~~

1 ~~reimbursement standards. This section shall be repealed~~
2 ~~effective June 30, 1995, unless otherwise provided for in the~~
3 ~~General Appropriations Act or other provision of law. The~~
4 ~~agency shall develop a methodology to adequately evaluate the~~
5 ~~cost-effectiveness of this method of reimbursement and shall~~
6 ~~make recommendations to the Legislature based on this~~
7 ~~evaluation prior to the 1995 regular legislative session.~~

8 Section 56. Paragraph (a) of subsection (2) of section
9 414.026, Florida Statutes, 1996 Supplement, is amended to
10 read:

11 414.026 WAGES Program State Board of Directors.--

12 (2)(a) The board of directors shall be composed of the
13 following members:

14 1. The Commissioner of Education, or the
15 commissioner's designee.

16 2. The Secretary of Children and Family Health and
17 ~~Rehabilitative~~ Services.

18 3. The Secretary of Health.

19 ~~4.3.~~ The Secretary of Labor and Employment Security.

20 ~~5.4.~~ The Secretary of Community Affairs.

21 ~~6.5.~~ The Secretary of Commerce.

22 ~~7.6.~~ The president of Enterprise Florida Jobs and
23 Education Partnership, established under s. 288.0475.

24 ~~8.7.~~ Nine members appointed by the Governor, as
25 follows:

26 a. Six members shall be appointed from a list of ten
27 nominees, of which five must be submitted by the President of
28 the Senate and five must be submitted by the Speaker of the
29 House of Representatives. The list of five nominees submitted
30 by the President of the Senate and the Speaker of the House of
31 Representatives must each contain at least three individuals

1 employed in the private sector, two of whom must have
2 management experience. One of the five nominees submitted by
3 the President of the Senate and one of the five nominees
4 submitted by the Speaker of the House of Representatives must
5 be an elected local government official who shall serve as an
6 ex officio member.

7 b. Three members shall be at-large members appointed
8 by the Governor.

9 c. Of the nine members appointed by the Governor, at
10 least six must be employed in the private sector and of these,
11 at least five must have management experience.

12
13 The members appointed by the Governor shall be appointed to
14 4-year, staggered terms. Within 60 days after a vacancy occurs
15 on the board, the Governor shall fill the vacancy of a member
16 appointed from the nominees submitted by the President of the
17 Senate and the Speaker of the House of Representatives for the
18 remainder of the unexpired term from one nominee submitted by
19 the President of the Senate and one nominee submitted by the
20 Speaker of the House of Representatives. Within 60 days after
21 a vacancy of a member appointed at-large by the Governor
22 occurs on the board, the Governor shall fill the vacancy for
23 the remainder of the unexpired term. The composition of the
24 board must generally reflect the racial, gender, and ethnic
25 diversity of the state as a whole. The list of initial five
26 nominees shall be submitted by the President of the Senate and
27 the Speaker of the House of Representatives by July 1, 1996,
28 and the initial appointments by the Governor shall be made by
29 September 1, 1996.

30 Section 57. Subsection (7) of section 414.23, Florida
31 Statutes, 1996 Supplement, is amended to read:

1 414.23 Evaluation.--The department shall arrange for
2 evaluation of programs operated under this chapter, as
3 follows:

4 (7) Evaluations described in this section are exempt
5 from the provisions of s. 381.85 ~~s. 402.105~~.

6 Section 58. Paragraph (c) of subsection (10) of
7 section 414.38, Florida Statutes, 1996 Supplement, is amended
8 to read:

9 414.38 Pilot work experience and job training for
10 noncustodial parents program.--

11 (10)

12 (c) In order to provide evaluation findings with the
13 highest feasible level of scientific validity, the Department
14 of Health and Rehabilitative Services may contract for an
15 evaluation design that includes random assignment of program
16 participants to program groups and control groups. Under such
17 design, members of control groups must be given the level of
18 job training and placement services generally available to
19 noncustodial parents who are not included in the local work
20 experience and job training pilot program areas. The
21 provisions of s. 381.85 ~~s. 402.105~~ or similar provisions of
22 federal or state law do not apply under this section.

23 Section 59. Subsection (2) of section 458.316, Florida
24 Statutes, is amended to read:

25 458.316 Public health certificate.--

26 (2) Such certificate shall be issued pursuant to the
27 following conditions:

28 (a) The certificate shall authorize the holder to
29 practice only in conjunction with his employment duties with
30 the Department of Health ~~and Rehabilitative Services~~ and shall
31

1 automatically expire when the holder's relationship with the
2 department is terminated.

3 (b) The certificate is subject to biennial renewal and
4 shall be renewable only if the secretary of the Department of
5 Health ~~and Rehabilitative Services~~ recommends in writing that
6 the certificate be renewed.

7 Section 60. Subsections (5) and (15) of section
8 468.301, Florida Statutes, are amended to read:

9 468.301 Definitions.--As used in this part, the term:

10 (5) "Department" means the Department of Health ~~and~~
11 ~~Rehabilitative Services~~.

12 (15) "Secretary" means the Secretary of Health ~~and~~
13 ~~Rehabilitative Services~~.

14 Section 61. Paragraphs (d) through (i) of subsection
15 (1) of section 468.3101, Florida Statutes, are redesignated as
16 paragraphs (e) through (j), respectively, and a new paragraph
17 (d) is added to said section to read:

18 468.3101 Disciplinary grounds and actions.--

19 (1) The following acts shall be grounds for
20 disciplinary action as set forth in this section:

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

25 (2) If the department finds any person or firm guilty
26 of any of the grounds set forth in subsection (1), it may
27 enter an order imposing one or more of the following
28 penalties:

29 (a) Refusal to approve an application for
30 certification.

31 (b) Revocation or suspension of a certificate.

1 (c) Imposition of an administrative fine not to exceed
2 \$1,000 for each count or separate offense.

3 (d) Issuance of a reprimand.

4 (e) Placement of the radiologic technologist on
5 probation for such period of time and subject to such
6 conditions as the department may specify, including requiring
7 the radiologic technologist to submit to treatment, to
8 undertake further relevant education or training, to take an
9 examination, or to work under the supervision of a licensed
10 practitioner.

11 Section 62. Subsection (1) of section 468.314, Florida
12 Statutes, is amended to read:

13 468.314 Advisory Council on Radiation Protection;
14 appointment; terms; powers; duties.--

15 (1) The Advisory Council on Radiation Protection is
16 created within the Department of Health ~~and Rehabilitative~~
17 ~~Services~~ and shall consist of 15 persons to be appointed by
18 the secretary for 3-year terms.

19 Section 63. Subsection (1) of section 514.011, Florida
20 Statutes, is amended to read:

21 514.011 Definitions.--As used in this chapter:

22 (1) "Department" means the Department of Health ~~and~~
23 ~~Rehabilitative Services~~.

24 Section 64. Subsection (3) of section 514.028, Florida
25 Statutes, is amended to read:

26 514.028 Advisory review board.--

27 (3) Members shall ~~not~~ be reimbursed for travel
28 expenses incurred in connection with service on the advisory
29 review board pursuant to s. 112.061.

30 Section 65. Subsection (3) of section 627.4236,
31 Florida Statutes, is amended to read:

1 627.4236 Coverage for bone marrow transplant
2 procedures.--

3 (3)(a) The Agency for Health Care Administration shall
4 ~~Secretary of Health and Rehabilitative Services~~ must adopt
5 rules specifying the bone marrow transplant procedures that
6 are accepted within the appropriate oncological specialty and
7 are not experimental for purposes of this section. The rules
8 must be based upon recommendations of an advisory panel
9 appointed by the director of the agency ~~secretary~~, composed
10 of:

11 1. One adult oncologist, selected from a list of three
12 names recommended by the Florida Medical Association;

13 2. One pediatric oncologist, selected from a list of
14 three names recommended by the Florida Pediatric Society;

15 3. One representative of the J. Hillis Miller Health
16 Center at the University of Florida;

17 4. One representative of the H. Lee Moffitt Cancer
18 Center and Research Institute, Inc.;

19 5. One consumer representative, selected from a list
20 of three names recommended by the Insurance Commissioner;

21 6. One representative of the Health Insurance
22 Association of America;

23 7. Two representatives of health insurers, one of whom
24 represents the insurer with the largest Florida health
25 insurance premium volume and one of whom represents the
26 insurer with the second largest Florida health insurance
27 premium volume; and

28 8. One representative of the insurer with the largest
29 Florida small group health insurance premium volume.

30 (b) The director shall also ~~secretary must~~ appoint a
31 member of the advisory panel to serve as chairperson.

1 (c) The agency shall ~~Office of the Deputy Secretary~~
2 ~~for Health of the Department of Health and Rehabilitative~~
3 ~~Services must~~ provide, within existing resources, staff
4 support to enable the panel to carry out its responsibilities
5 under this section.

6 (d) In making recommendations and adopting rules under
7 this section, the advisory panel and the director ~~secretary~~
8 shall:

9 1. Take into account findings, studies, or research of
10 the federal Agency for Health Care Policy, National Cancer
11 Institute, National Academy of Sciences, Health Care Financing
12 Administration, and Congressional Office of Technology
13 Assessment, and any other relevant information.

14 2. Consider whether the federal Food and Drug
15 Administration or National Cancer Institute are conducting or
16 sponsoring assessment procedures to determine the safety and
17 efficacy of the procedure or substantially similar procedures,
18 or of any part of such procedures.

19 3. Consider practices of providers with respect to
20 requesting or requiring patients to sign a written
21 acknowledgment that a bone marrow transplant procedure is
22 experimental.

23 (e) The advisory panel shall conduct, at least
24 biennially, a review of scientific evidence to ensure that its
25 recommendations are based on current research findings and
26 that insurance policies offer coverage for the latest
27 medically acceptable bone marrow transplant procedures.

28 Section 66. Subsection (1) of section 766.101, Florida
29 Statutes, 1996 Supplement, is amended to read:

30 766.101 Medical review committee, immunity from
31 liability.--

1 (1) As used in this section:

2 (a) The term "medical review committee" or "committee"
3 means:

4 1.a. A committee of a hospital or ambulatory surgical
5 center licensed under chapter 395 or a health maintenance
6 organization certificated under part I of chapter 641,

7 b. A committee of a state or local professional
8 society of health care providers,

9 c. A committee of a medical staff of a licensed
10 hospital or nursing home, provided the medical staff operates
11 pursuant to written bylaws that have been approved by the
12 governing board of the hospital or nursing home,

13 d. A committee of the Department of Corrections or the
14 Correctional Medical Authority as created under s. 945.602, or
15 employees, agents, or consultants of either the department or
16 the authority or both,

17 e. A committee of a professional service corporation
18 formed under chapter 621 or a corporation organized under
19 chapter 607 or chapter 617, which is formed and operated for
20 the practice of medicine as defined in s. 458.305(3), and
21 which has at least 25 health care providers who routinely
22 provide health care services directly to patients,

23 f. A committee of a mental health treatment facility
24 licensed under chapter 394 or a community mental health center
25 as defined in s. 394.907, provided the quality assurance
26 program operates pursuant to the guidelines which have been
27 approved by the governing board of the agency,

28 g. A committee of a substance abuse treatment and
29 education prevention program licensed under chapter 397
30 provided the quality assurance program operates pursuant to
31

1 the guidelines which have been approved by the governing board
2 of the agency,

3 h. A peer review or utilization review committee
4 organized under chapter 440, or

5 i. A committee of a county health department, healthy
6 start coalition, or certified rural health network, when
7 reviewing quality of care, or employees of these entities when
8 reviewing mortality records ~~An optometric service plan~~
9 ~~certified under chapter 637,~~

10
11 which committee is formed to evaluate and improve the quality
12 of health care rendered by providers of health service or to
13 determine that health services rendered were professionally
14 indicated or were performed in compliance with the applicable
15 standard of care or that the cost of health care rendered was
16 considered reasonable by the providers of professional health
17 services in the area; or

18 2. A committee of an insurer, self-insurer, or joint
19 underwriting association of medical malpractice insurance, or
20 other persons conducting review under s. 766.106.

21 (b) The term "health care providers" means physicians
22 licensed under chapter 458, osteopaths licensed under chapter
23 459, podiatrists licensed under chapter 461, optometrists
24 licensed under chapter 463, dentists licensed under chapter
25 466, chiropractors licensed under chapter 460, pharmacists
26 licensed under chapter 465, or hospitals or ambulatory
27 surgical centers licensed under chapter 395.

28 Section 67. Paragraph (b) of subsection (4) of section
29 766.314, Florida Statutes, 1996 Supplement, is amended to
30 read:

31 766.314 Assessments; plan of operation.--

1 (4) The following persons and entities shall pay into
2 the association an initial assessment in accordance with the
3 plan of operation:

4 (b)1. On or before October 15, 1988, all physicians
5 licensed pursuant to chapter 458 or chapter 459 as of October
6 1, 1988, other than participating physicians, shall be
7 assessed an initial assessment of \$250, which must be paid no
8 later than December 1, 1988.

9 2. Any such physician who becomes licensed after
10 September 30, 1988, and before January 1, 1989, shall pay into
11 the association an initial assessment of \$250 upon licensure.

12 3. Any such physician who becomes licensed on or after
13 January 1, 1989, shall pay an initial assessment equal to the
14 most recent assessment made pursuant to this paragraph,
15 paragraph (5)(a), or paragraph (7)(b).

16 4. However, if the physician is a physician specified
17 in this subparagraph, the assessment is not applicable:

18 a. A resident physician, assistant resident physician,
19 or intern in an approved postgraduate training program, as
20 defined by the Board of Medicine or the Board of Osteopathic
21 Medicine by rule;

22 b. A retired physician who has withdrawn from the
23 practice of medicine but who maintains an active license as
24 evidenced by an affidavit filed with the Department of
25 Business and Professional Regulation. Prior to reentering the
26 practice of medicine in this state, a retired physician as
27 herein defined must notify the Board of Medicine or the Board
28 of Osteopathic Medicine and pay the appropriate assessments
29 pursuant to this section;

30
31

1 c. A physician who holds a limited license pursuant to
2 s. 458.317 and who is not being compensated for medical
3 services;

4 d. A physician who is employed full time by the United
5 States Department of Veterans Affairs and whose practice is
6 confined to United States Department of Veterans Affairs
7 hospitals; or

8 e. A physician who is a member of the Armed Forces of
9 the United States and who meets the requirements of s. 455.02.

10 f. A physician who is employed full time by the State
11 of Florida and whose practice is confined to state-owned
12 correctional institutions, county health department, or ~~and~~
13 state-owned mental health facilities, or who is employed full
14 time by the Department of Health.

15 Section 68. Subsections (1) and (2), and paragraphs
16 (b) and (c) of subsection (7), of section 945.602, Florida
17 Statutes, 1996 Supplement, are amended to read:

18 945.602 State of Florida Correctional Medical
19 Authority; creation; members.--

20 (1) There is created ~~in the Department of Corrections~~
21 the State of Florida Correctional Medical Authority which for
22 administrative purposes shall be assigned to the Department of
23 Health. The governing board of the authority shall be
24 composed of nine persons appointed by the Governor subject to
25 confirmation by the Senate. One member must be a member of
26 the Florida Hospital Association; one member must be a member
27 of the Florida League of Hospitals; one member must be a
28 member of the Association of Community Hospitals and Health
29 Systems of Florida ~~Voluntary Hospitals~~; and one member must be
30 a member of the Florida Medical Association. The authority
31 shall contract with the Department of Health for the provision

1 of administrative support services, including purchasing,
2 personnel, general services, and budgetary matters ~~The~~
3 ~~Department of Corrections shall provide administrative support~~
4 ~~and service to the authority.~~ The authority shall not be
5 subject to control, supervision, or direction by the
6 Department of Health or the Department of Corrections. The
7 authority shall annually elect one member to serve as
8 chairman. Members shall be appointed for terms of 4 years
9 each. Each member is authorized to continue to serve upon the
10 expiration of his term until his successor is duly appointed
11 as provided in this section. Before entering upon his duties,
12 each member of the authority shall take and subscribe to the
13 oath or affirmation required by the State Constitution.

14 (2) A member of the authority may not be a current
15 employee of the Department of Corrections. Not more than one
16 member of the authority may be a former employee of the
17 Department of Corrections and such member, if appointed, may
18 not be appointed to a term of office which begins within 5
19 years after the date of his or her last employment with ~~by~~ the
20 department.

21 (7)

22 (b) Neither the provisions of this section nor those
23 of chapter 119, or of s. 154.207(7), shall apply to any health
24 care provider under contract with the Department of
25 Corrections except to the extent such provisions would apply
26 to any similar provider ~~entity~~ not under contract with the
27 department.

28 (c) Notwithstanding any general or special law, rule,
29 regulation, or ordinance of any local agency to the contrary,
30 service as a member of an authority by a trustee, director,
31 officer, or employee of a health facility shall not in and of

1 itself constitute a conflict of interest. However, any member
2 of the authority who is employed by, or has received income
3 from, a health facility under consideration by the authority
4 or the Department of Corrections shall not vote on any matter
5 related to such facility.

6 Section 69. All powers, duties and functions, rules,
7 records, personnel, property, and unexpended balances of
8 appropriations, allocations, or other funds of the State of
9 Florida Correctional Medical Authority, as established in s.
10 945.602, Florida Statutes, are transferred by a type two
11 transfer, as defined in s. 20.06(2), Florida Statutes, from
12 the Department of Corrections to the Department of Health.

13 Section 70. Section 28.101, Florida Statutes, 1996
14 Supplement, is amended to read:

15 28.101 Petitions and records of dissolution of
16 marriage; additional charges.--

17 (1) When a party petitions for a dissolution of
18 marriage, in addition to the filing charges in s. 28.241, the
19 clerk shall collect and receive:

20 (a) A charge of \$5. On a monthly basis, the clerk
21 shall transfer the moneys collected pursuant to this paragraph
22 ~~to the Department of Health and Rehabilitative Services~~ for
23 deposit in the Child Welfare Training Trust Fund created in s.
24 402.40.

25 (b) A charge of \$5. On a monthly basis, the clerk
26 shall transfer the moneys collected pursuant to this paragraph
27 to the State Treasury for deposit in the Displaced Homemaker
28 Trust Fund created in s. 410.30. If a petitioner does not have
29 sufficient funds with which to pay this fee and signs an
30 affidavit so stating, all or a portion of the fee shall be
31

1 waived subject to a subsequent order of the court relative to
2 the payment of the fee.

3 (c) A charge of \$18. On a monthly basis, the clerk
4 shall transfer the moneys collected pursuant to this paragraph
5 to the State Treasury for deposit in the Domestic Violence
6 Trust Fund. Such funds which are generated shall be directed
7 to the Department of Children and Family Health and
8 ~~Rehabilitative~~ Services for the specific purpose of funding
9 domestic violence centers.

10 (2) Upon receipt of a final judgment of dissolution of
11 marriage for filing, and in addition to the filing charges in
12 s. 28.241, the clerk shall collect and receive a service
13 charge of \$7 pursuant to s. 382.023 for the recording and
14 reporting of such final judgment of dissolution of marriage to
15 the Department of Health ~~and Rehabilitative Services~~.

16 Section 71. Paragraph (g) of subsection (3) of section
17 28.222, Florida Statutes, is amended to read:

18 28.222 Clerk to be county recorder.--

19 (3) The clerk of the circuit court shall record the
20 following kinds of instruments presented to him or her for
21 recording, upon payment of the service charges prescribed by
22 law:

23 (g) Certified copies of death certificates authorized
24 for issuance by the Department of Health ~~and Rehabilitative~~
25 ~~Services~~ which exclude the information that is confidential
26 under s. 382.008~~(6)~~, and certified copies of death
27 certificates issued by another state whether or not they
28 exclude the information described as confidential in s.
29 382.008~~(6)~~.

30 Section 72. Paragraph (b) of subsection (1) of section
31 63.062, Florida Statutes, is amended to read:

1 63.062 Persons required to consent to adoption.--
2 (1) Unless consent is excused by the court, a petition
3 to adopt a minor may be granted only if written consent has
4 been executed after the birth of the minor by:

5 (b) The father of the minor, if:

- 6 1. The minor was conceived or born while the father
7 was married to the mother.
8 2. The minor is his child by adoption.
9 3. The minor has been established by court proceeding
10 to be his child.
11 4. He has acknowledged in writing, signed in the
12 presence of a competent witness, that he is the father of the
13 minor and has filed such acknowledgment with the Office of
14 Vital Statistics of the Department of Health ~~and~~
15 ~~Rehabilitative Services.~~

16 5. He has provided the child with support in a
17 repetitive, customary manner.

18 Section 73. Section 63.165, Florida Statutes, is
19 amended to read:

20 63.165 State registry of adoption information; duty to
21 inform and explain.--Notwithstanding any other law to the
22 contrary, the department shall maintain a registry with the
23 last known names and addresses of an adoptee and his or her
24 natural parents and adoptive parents and any other identifying
25 information which the adoptee, natural parents, or adoptive
26 parents desire to include in the registry. The registry shall
27 be open with respect to all adoptions in the state, regardless
28 of when they took place. The registry shall be available for
29 those persons choosing to enter information therein, but no
30 one shall be required to do so.

31

1 (1) Anyone seeking to enter, change, or use
2 information in the registry, or any agent of such person,
3 shall present verification of his or her identity and, if
4 applicable, his or her authority. A person who enters
5 information in the registry shall be required to indicate
6 clearly the persons to whom he or she is consenting to release
7 this information, which persons shall be limited to the
8 adoptee and the natural mother, natural father, adoptive
9 mother, adoptive father, natural siblings, and maternal and
10 paternal natural grandparents of the adoptee. Except as
11 provided in this section, information in the registry is
12 confidential and exempt from the provisions of s. 119.07(1).
13 Consent to the release of this information may be made in the
14 case of a minor adoptee by his or her adoptive parents or by
15 the court after a showing of good cause. At any time, any
16 person may withdraw, limit, or otherwise restrict consent to
17 release information by notifying the department in writing.

18 (2) The department may charge a reasonable fee to any
19 person seeking to enter, change, or use information in the
20 registry. The department shall deposit such fees in a trust
21 fund to be used by the department only for the efficient
22 administration of this section. The department and agencies
23 shall make counseling available for a fee to all persons
24 seeking to use the registry, and the department shall inform
25 all affected persons of the availability of such counseling.

26 (3) The department, intermediary, or licensed
27 child-placing agency must inform the birth parents before
28 parental rights are terminated, and the adoptive parents
29 before placement, in writing, of the existence and purpose of
30 the registry established under this section ~~s. 382.027~~, but
31

1 failure to do so does not affect the validity of any
2 proceeding under this chapter.

3 Section 74. Subsection (4) of section 68.07, Florida
4 Statutes, is amended to read:

5 68.07 Change of name.--

6 (4) On filing the final judgment, the clerk shall, if
7 the birth occurred in this state, send a report of the
8 judgment to the Office of Vital Statistics of the Department
9 of Health ~~and Rehabilitative Services~~ on a form to be
10 furnished by the ~~that~~ department. The form shall contain
11 sufficient information to identify the original birth
12 certificate of the person, the new name, and the file number
13 of the judgment. This report shall be filed by the department
14 ~~<O>state registrar~~ with respect to a person born in this state
15 and shall become a part of the vital statistics of this state.
16 With respect to a person born in another state, the clerk
17 shall provide the petitioner with a certified copy of the
18 final judgment. ~~Department of Health and Rehabilitative~~
19 ~~Services shall send the report to the office of vital~~
20 ~~statistics of the state in which the person's birth occurred.~~

21 Section 75. Section 382.002, Florida Statutes, is
22 amended to read:

23 382.002 Definitions.--As used in this chapter, the
24 term:

25 (1) ~~"Applicant" means the person requesting a copy of~~
26 ~~a vital record.~~

27 (1)(2) "Computer Certification" or "certified" means a
28 document ~~produced by computer or other electromagnetic~~
29 ~~equipment~~ containing all or a part of the exact information
30 contained on the original vital record, and which, when issued
31

1 certified by the State Registrar, has the full force and
2 effect of the original vital record.

3 (2)~~(3)~~ "Dead body" means a human body or such parts of
4 a human body from the condition of which it reasonably may be
5 concluded that death recently occurred.

6 ~~(4) "Death without medical attendance" means a death~~
7 ~~occurring more than 30 days after the decedent was last~~
8 ~~treated by a physician, except where death was medically~~
9 ~~expected as certified by an attending physician.~~

10 (3)~~(5)~~ "Department" means the Department of Health ~~and~~
11 ~~Rehabilitative Services.~~

12 (4)~~(6)~~ "Dissolution of marriage" includes an annulment
13 of marriage.

14 (5)~~(7)~~ "Fetal death" means death prior to the complete
15 expulsion or extraction of a product of human conception from
16 its mother if the 20th week of gestation has been reached and
17 the death is indicated by the fact that after such expulsion
18 or extraction the fetus does not breathe or show any other
19 evidence of life such as beating of the heart, pulsation of
20 the umbilical cord, or definite movement of voluntary muscles.

21 (6)~~(8)~~ "Final disposition" means the burial,
22 interment, cremation, removal from the state, or other
23 authorized disposition of a dead body or a fetus, as described
24 ~~defined~~ in subsection (5)~~(7)~~. In the case of cremation,
25 dispersion of ashes or cremation residue is considered to
26 occur after final disposition; the cremation itself is
27 considered final disposition.

28 (7)~~(9)~~ "Funeral director" means a licensed funeral
29 director or direct disposer licensed pursuant to chapter 470
30 or other person who first assumes custody of or effects the
31

1 final disposition of a dead body or a fetus, as described
2 defined in subsection (5) ~~(7)~~.

3 (8) "Legal age" means a person who is not a minor, or
4 a minor who has had the disability of nonage removed as
5 provided under chapter 743.

6 (9) ~~(10)~~ "Live birth" means the complete expulsion or
7 extraction of a product of human conception from its mother,
8 irrespective of the duration of pregnancy, which, after such
9 expulsion, breathes or shows any other evidence of life such
10 as beating of the heart, pulsation of the umbilical cord, and
11 definite movement of the voluntary muscles, whether or not the
12 umbilical cord has been cut or the placenta is attached.

13 (10) ~~(11)~~ "Medical examiner" means a person ~~so~~
14 appointed pursuant to chapter 406.

15 (11) ~~(12)~~ "Physician" means a person authorized to
16 practice medicine, ~~or~~ osteopathic medicine, or chiropractic
17 pursuant to chapter 458, or chapter 459, or chapter 460.

18 ~~(13) "Presumptive death" means determination by a~~
19 ~~court of competent jurisdiction that a death has occurred or~~
20 ~~is presumed to have occurred in this state or adjacent waters,~~
21 ~~but the body of the person involved has not been located or~~
22 ~~recovered.~~

23 (12) ~~(14)~~ "Registrant" means the child entered on a
24 birth certificate, the deceased entered on a death
25 certificate, and ~~both~~ the husband or ~~and~~ wife entered on a
26 marriage or dissolution of marriage record.

27 (13) ~~(15)~~ "Vital records" or "records" means
28 certificates or reports of birth, death, fetal death,
29 marriage, dissolution of marriage, name change filed pursuant
30 to s. 68.07, and data related thereto.

31

1 ~~(14)~~~~(16)~~ "Vital statistics" means a system of
2 registration, collection, preservation, amendment, and
3 certification of vital records, the collection of other
4 reports required by this act, and activities related thereto,
5 including the tabulation, analysis, and publication of data
6 obtained from vital records.

7 Section 76. Subsections (2), (6), (7), (8), and (10)
8 of section 382.003, Florida Statutes, are amended to read:

9 382.003 Powers and duties of the department.--The
10 department may:

11 (2) Procure the complete registration of all vital
12 records ~~the same~~ in each registration district ~~as constituted~~
13 ~~in subsection (4)~~ and in the Office of Vital Statistics.

14 (6) Investigate cases of irregularity or violation of
15 law, and all local registrars of vital statistics shall aid
16 the department in such investigations. When necessary, the
17 department shall report cases of violations of any of the
18 provisions of this chapter to the state attorney having charge
19 of the prosecution of misdemeanors in the registration
20 district in which the such violation occurs ~~shall occur~~.

21 (7) Approve all forms used in registering, recording,
22 certifying, and preserving vital records, or in otherwise
23 carrying out the purposes of this chapter, and no other forms
24 shall be used other than those approved by the department. The
25 department is responsible for the careful examination of the
26 certificates received monthly from the local registrars and
27 marriage certificates and dissolution of marriage reports
28 received from the circuit and county courts. A certificate
29 that is complete and satisfactory shall be accepted and given
30 a state file number and considered a state-filed record. If
31 any such certificates are incomplete or unsatisfactory, the

1 department shall require ~~such~~ further information to be
2 supplied as may be necessary to make the record complete and
3 satisfactory. All physicians, midwives, informants, or
4 funeral directors, and all other persons having knowledge of
5 the facts, are required to supply, upon a form approved by the
6 department or upon the original certificate, such information
7 as they may possess regarding any vital record, ~~as requested~~
8 ~~by the department.~~

9 (8) Prepare and publish an annual report of vital
10 statistics and such other reports as may be required ~~by the~~
11 ~~department.~~

12 (10) Adopt, promulgate, and enforce rules necessary
13 for the preservation and protection of vital records and for
14 carrying out the ~~other~~ provisions of this chapter.

15 Section 77. Section 382.004, Florida Statutes, is
16 amended to read:

17 382.004 Reproduction ~~Microfilming~~ and destruction of
18 ~~destroying~~ records.--

19 (1) The department is authorized to photograph,
20 microphotograph, reproduce on film, or reproduce by electronic
21 means vital records in such a manner that the data on each
22 page are in exact conformity with the original record.

23 (2) The department is ~~hereby~~ authorized to destroy any
24 of the original vital records after they have been
25 photographed or reproduced in exact conformity with the
26 original record and after approval for destruction in
27 accordance with chapter 257.

28 (3) Photographs, microphotographs, or reproductions of
29 any record in the form of film, prints, or electronically
30 produced certifications made in compliance with the provisions
31 of this chapter and certified by the department shall have the

1 same force and effect as the originals thereof, ~~and~~ shall be
2 treated as originals for the purpose of their admissibility in
3 any court or case, and shall be prima facie evidence in all
4 courts and cases of the facts stated therein ~~where the~~
5 ~~documents have been duly certified by the department.~~

6 Section 78. Section 382.005, Florida Statutes, is
7 amended to read:

8 382.005 Duties of local registrars.--

9 (1) Each local registrar is charged with the strict
10 and thorough enforcement of the provisions of this chapter and
11 rules adopted hereunder in his or her registration district,
12 and ~~he or she~~ shall make an immediate report to the department
13 of any violation or apparent violation of this law or rules
14 adopted hereunder.

15 (2) Each local registrar shall make available blank
16 forms as necessary ~~to such persons as required of them~~ and
17 shall examine ~~be responsible for the careful examination of~~
18 each certificate of live birth, death, or fetal death when
19 presented for registration, in order to ascertain whether or
20 not it has been completed in accordance with the provisions of
21 this chapter and adopted, ~~rules adopted hereunder, and the~~
22 ~~instructions of the department.~~ All birth, death, and fetal
23 death certificates shall be typewritten ~~or printed~~ legibly in
24 permanent black ink, and a certificate is not complete and
25 correct if it does not supply each item of information called
26 for ~~therein~~ or satisfactorily account for its omission.

27 ~~(3) If any certificate of death or fetal death is~~
28 ~~incomplete or unsatisfactory, the local registrar shall call~~
29 ~~attention to the defect in the record and may withhold the~~
30 ~~burial, removal, or other permit until such defects are~~
31 ~~corrected. If the certificate of death or fetal death is~~

1 ~~properly executed and complete, the local registrar shall then~~
2 ~~issue a burial, removal, or other permit to the funeral~~
3 ~~director; provided, that in case the death occurred from some~~
4 ~~disease which is held by the department to be infectious,~~
5 ~~contagious, or communicable and dangerous to the public~~
6 ~~health, no permit for the removal or other disposition of the~~
7 ~~dead body shall be issued by the local registrar, except under~~
8 ~~such conditions as may be prescribed by the department.~~

9 ~~(4) If a certificate of birth is incomplete, the local~~
10 ~~registrar shall immediately notify the institution where the~~
11 ~~birth occurred or the informant, and require the completion of~~
12 ~~the missing items of information, if they can be obtained~~
13 ~~prior to issuing certified copies of the record.~~

14 ~~(3)(5)~~ The local registrar or his or her deputy, if so
15 authorized by the department, shall sign as registrar in
16 attestation of the date of registration in his or her office
17 and may also make and preserve a local record of each birth,
18 death, and fetal death certificate registered by him or her,
19 in such manner as directed by the department. And The local
20 registrar or deputy shall, on or before the 7th day of each
21 month, transmit daily to the department all original
22 certificates registered by him or her for the preceding
23 month. And If no births, or deaths, or no fetal deaths
24 occurred in any month, the local registrar or deputy shall, on
25 the 7th day of the following month, report that fact to the
26 department on a form provided for such purpose.

27 ~~(4)(6)~~ Each local registrar, immediately upon his or
28 her acceptance of appointment, shall designate one or more
29 deputy registrars to act on behalf of the local registrar
30 appoint a chief deputy registrar, who shall act in the local
31

1 ~~registrar's stead in case of his or her absence or disability~~
2 ~~and may appoint other deputy registrars.~~

3 Section 79. Section 382.006, Florida Statutes, is
4 amended to read:

5 382.006 Burial-transit permit.--

6 (1) The funeral director who first assumes custody of
7 a dead body or fetus must ~~shall~~ obtain a burial-transit permit
8 prior to final disposition ~~or removal from the state of the~~
9 ~~dead body or fetus~~ and within 5 days after death. The
10 application for a burial-transit permit must be signed by the
11 funeral director and include the funeral director's license
12 number. The funeral director must attest on the application
13 that he or she has contacted the physician's or medical
14 examiner's office and has received assurance that the
15 physician or medical examiner will provide medical
16 certification of the cause of death within 72 hours after
17 receipt of the death certificate from the funeral director.

18 (2) A ~~Such~~ burial-transit permit shall be issued by
19 the local registrar or subregistrar of the registration
20 district in which the death occurred or the body was found. A
21 ~~No such~~ burial-transit permit shall not be issued:

22 (a) Until a complete and satisfactory certificate of
23 death or fetal death has been filed in accordance with the
24 requirements of this chapter and adopted rules, unless ~~or~~ the
25 funeral director provides adequate assurance that a complete
26 and satisfactory certificate will be so registered.

27 (b) Except under conditions prescribed by the
28 department, if the death occurred from some disease which is
29 held by the department to be infectious, contagious, or
30 communicable and dangerous to the public health.

31

1 ~~(3)~~(2) The funeral director shall deliver the
2 burial-transit permit to the person in charge of the place of
3 final disposition, before interring or otherwise disposing of
4 the dead body or fetus within this state; or when transported
5 to a point outside the state, the permit shall accompany the
6 dead body or fetus to its destination.

7 ~~(4)~~(3) A burial-transit permit issued under the law of
8 another state or country, or a certification of a death
9 certificate issued under the law of a state or country that
10 does not issue burial-transit permits, which accompanies a
11 dead body or fetus brought into this state, shall be authority
12 for final disposition of the dead body or fetus in this state.

13 (5) Rules of the department may provide for the
14 issuance of a burial-transit permit prior to the filing of a
15 certificate of death or fetal death upon conditions designed
16 to assure compliance with the purposes of this chapter in
17 cases in which compliance with the requirement that the
18 certificate be filed prior to the issuance of the permit would
19 result in undue hardship.

20 (6) Burial-transit permits filed with the local
21 registrar under the provisions of this chapter may be
22 destroyed after the expiration of 3 years from the date of
23 filing.

24 ~~(4) A permit for disinterment and reinterment shall be~~
25 ~~required prior to disinterment or reinterment of a dead body~~
26 ~~or fetus except as authorized or otherwise provided by law.~~
27 ~~Such permit shall be issued by the local registrar for vital~~
28 ~~statistics of the district in which the dead body or fetus is~~
29 ~~buried, to a funeral director, upon proper application.~~

30 Section 80. Section 382.007, Florida Statutes, is
31 amended to read:

1 382.007 Final dispositions prohibited without
2 burial-transit burial permit, ~~records of dead bodies~~
3 ~~disposed.~~--A No person in charge of any premises on which
4 final dispositions are made shall not inter or permit the
5 interment or other disposition of any dead body unless it is
6 accompanied by a burial-transit permit ~~burial, other~~
7 ~~disposition, or removal permit as herein provided.~~ Any such
8 person shall endorse upon the permit the date of interment, or
9 other disposition, over his or her signature, and shall return
10 all permits so endorsed to the local registrar of the district
11 where the place of final disposition is located ~~his or her~~
12 ~~district~~ within 10 days from the date of interment or other
13 disposition. He or she shall keep a record of all dead bodies
14 interred or otherwise disposed of on the premises under his or
15 her charge, in each case stating the name of each deceased
16 person, place of death, date of burial or other disposition,
17 and name and address of the funeral director which record
18 shall at all times be open to official inspection. ~~provided,~~
19 ~~that~~ The funeral director, when burying a dead body in a
20 cemetery ~~or burial grounds~~ having no person in charge, shall
21 sign the burial-transit burial ~~or removal~~ permit, giving the
22 date of burial, and shall write across the face of the permit
23 the words "No person in charge," and file the ~~burial or~~
24 ~~removal~~ permit within 10 days with the local registrar of the
25 district in which the cemetery is located. ~~Permits filed with~~
26 ~~the local registrar under the provisions of this section may~~
27 ~~be destroyed by the official custodian after the expiration of~~
28 ~~3 years from the date of such filing.~~

29 Section 81. Section 382.008, Florida Statutes, 1996
30 Supplement, is amended to read:

31 382.008 Death and fetal death registration.--

1 (1) A certificate for each death and fetal death which
2 occurs in this state shall be filed on a form prescribed by
3 the department ~~registered~~ with the local registrar of the
4 district in which the death occurred within 5 days after such
5 death and prior to final disposition ~~or removal of the dead~~
6 ~~body or fetus from the state~~, and shall be registered by such
7 registrar if it has been completed and filed in accordance
8 with this chapter or adopted rules. In addition, each
9 certificate of death or fetal death:

10 (a) If requested by the informant, shall include
11 aliases or "also known as" (AKA) names of a decedent in
12 addition to the decedent's name of record. Aliases shall be
13 entered on the face of the death certificate in the space
14 provided for name if there is sufficient space. If there is
15 not sufficient space, aliases may be recorded on the back of
16 the certificate and shall be considered part of the official
17 record of death ~~The certificate of death or fetal death shall~~
18 ~~be in the form prescribed by the department;~~

19 (b) If the place of death is unknown, ~~a certificate~~
20 shall be registered in the registration district in which the
21 ~~a~~ dead body or fetus is found within 5 days after such
22 occurrence; and

23 (c) If death occurs in a moving conveyance, ~~a death~~
24 ~~certificate~~ shall be registered in the registration district
25 in which the dead body was first removed from such conveyance.

26 (2) The funeral director who first assumes custody of
27 a dead body or fetus shall file the certificate of death or
28 fetal death ~~certificate~~. In the absence of the funeral
29 director ~~such a person~~, the physician or other person in
30 attendance at or after the death shall file the certificate of
31 death or fetal death. The person who files ~~registers~~ the

1 certificate shall obtain ~~the~~ personal data from the next of
2 kin or the best qualified person or source available. The
3 medical certification of cause of death shall be furnished to
4 the funeral director, either in person or via certified mail,
5 by the physician or medical examiner responsible for
6 furnishing such information. For fetal deaths, the physician,
7 midwife, or hospital administrator shall provide any medical
8 or health information to the funeral director within 72 hours
9 after expulsion or extraction.

10 (3) Within 72 hours after receipt of a death or fetal
11 death certificate from ~~the~~ a funeral director, the medical
12 certification of cause of death shall be completed, ~~signed,~~
13 and made available to the funeral director by the physician in
14 charge of the decedent's care for the illness or condition
15 which resulted in death, ~~or~~ the physician in attendance at the
16 time of death or fetal death or immediately before or after
17 such death or fetal death, or the medical examiner if the
18 provisions of s. 382.011 apply. The physician or medical
19 examiner, who shall certify over his or her signature the
20 cause of death to the best of his or her best knowledge and
21 belief; ~~except the provisions of s. 382.011 apply when the~~
22 ~~death or fetal death requires investigation pursuant to s.~~
23 ~~406.11 or the death or fetal death occurred without medical~~
24 ~~attendance.~~

25 (a) The registrar may grant the funeral director an
26 extension of time upon a good and sufficient showing of any of
27 the following conditions:

28 1. An autopsy is pending.

29 2. Toxicology, laboratory, or other diagnostic reports
30 have not been completed.

31

1 3. The identity of the decedent is unknown and further
2 investigation or identification is required.

3 (b) If the physician or medical examiner has indicated
4 that he or she will sign and complete the medical
5 certification of cause of death, but will not be available
6 until after the 5-day registration deadline, the local
7 registrar may grant an extension of 5 days. If a further
8 extension is required, the funeral director must provide
9 written justification to the registrar.

10 (4) If the local registrar has granted an extension of
11 time to provide the medical certification of cause of death,
12 the funeral director shall file a temporary certificate of
13 death or fetal death which shall contain all available
14 information, including the fact that the cause of death is
15 pending. The physician or medical examiner shall provide an
16 estimated date for completion of the permanent certificate.

17 (5) A permanent certificate of death or fetal death,
18 containing the cause of death and any other information which
19 was previously unavailable, shall be registered as a
20 replacement for the temporary certificate. The permanent
21 certificate may also include corrected information if the
22 items being corrected are noted on the back of the certificate
23 and dated and signed by the funeral director, physician, or
24 medical examiner, as appropriate.

25 ~~(4) The department may by rule and upon such~~
26 ~~conditions as it may prescribe to assure compliance with the~~
27 ~~purposes of this act, provide for the extension of the periods~~
28 ~~prescribed in this chapter for the filing of death~~
29 ~~certificates, fetal death certificates, medical certifications~~
30 ~~of causes of death, and for the obtaining of burial-transit~~
31

1 ~~permits in cases in which compliance with the applicable~~
2 ~~prescribed period would result in undue hardship.~~

3 ~~(5) Rules of the department may provide for the~~
4 ~~issuance of a burial transit permit prior to the filing of a~~
5 ~~certificate of death or fetal death upon conditions designed~~
6 ~~to assure compliance with the purposes of this act in cases in~~
7 ~~which compliance with the requirement that the certificate be~~
8 ~~filed prior to the issuance of the permit would result in~~
9 ~~undue hardship.~~

10 (6) The original certificate of death or fetal death
11 shall contain all the information required by the department
12 for legal, social, and health research purposes. All
13 information relating to cause of death in ~~The cause-of-death~~
14 ~~section of all death and fetal death records and the~~
15 ~~parentage, marital status, and medical information included in~~
16 ~~all fetal death records of this state are confidential and~~
17 ~~exempt from the provisions of s. 119.07(1), except for health~~
18 ~~research purposes as approved by the department; nor may~~
19 ~~copies of the same be issued except as provided in s.~~
20 ~~382.025(4).~~

21 ~~(7) The provisions of s. 382.013(5), (6), and (7) also~~
22 ~~apply to the entry of similar information on fetal death~~
23 ~~certificates.~~

24 Section 82. Section 382.011, Florida Statutes, is
25 amended to read:

26 382.011 Medical examiner determination of cause of
27 death ~~When Death occurs without medical attendance or due to~~
28 ~~unlawful act or neglect.--~~

29 (1) In the case of any death or fetal death due to
30 causes or conditions listed in s. 406.11, or where the death
31 occurred more than 30 days after the decedent was last treated

1 by a physician unless the death was medically expected as
2 certified by an attending physician ~~occurring without medical~~
3 ~~attendance~~, or where there is reason to believe that the death
4 may have been due to unlawful act or neglect, the funeral
5 director or other person to whose attention the death may come
6 shall refer the case to the medical examiner of the district
7 in which the death occurred for ~~his or her~~ investigation and
8 determination of certification; ~~and the medical examiner shall~~
9 ~~certify the cause of death, as required for a burial permit,~~
10 ~~and to properly classify the cause of death.~~

11 (2) The medical examiner shall complete and sign the
12 medical certification of cause of death ~~section~~ of the death
13 or fetal death certificate within 72 hours after notification,
14 whether or not final determination of the cause of death has
15 been established, unless an extension has been granted as
16 provided under s. 382.008. Any amendment fees prescribed in
17 s. 382.0255 shall be ~~are~~ waived when a later determination of
18 cause of death is made ~~in such a case.~~

19 (3) The funeral director shall retain the
20 responsibility for preparation of the death or fetal death
21 certificate, obtaining the necessary signatures, filing with
22 the local registrar in a timely manner, and disposing of the
23 remains when the remains are released by the medical examiner.

24 Section 83. Section 382.012, Florida Statutes, is
25 amended to read:

26 382.012 Presumptive death certificate.--

27 (1) "Presumptive death" means a determination by a
28 court of competent jurisdiction that:

29 (a) A death of a resident of this state has occurred
30 or is presumed to have occurred, but the body of the person
31 involved has not been located or recovered; or

1 (b) A death of a nonresident of this state has
2 occurred or is presumed to have occurred in this state, but
3 the body of the person involved has not been located or
4 recovered.

5 (2) The department shall file a presumptive death
6 certificate when ordered by a court of competent jurisdiction.
7 In case of a presumptive death certificate, the medical
8 certification of cause of death must ~~section shall~~ be signed
9 by the judge issuing the court order. A petitioner seeking a
10 presumptive death certificate must include in the petition
11 before the court all information necessary to complete the
12 presumptive death certificate.

13 Section 84. Section 382.013, Florida Statutes, is
14 amended to read:

15 (Substantial rewording of section. See
16 s. 382.013, F.S., for present text.)

17 382.013 Birth registration.--A certificate for each
18 live birth that occurs in this state shall be filed within 5
19 days after such birth with the local registrar of the district
20 in which the birth occurred and shall be registered by the
21 local registrar if the certificate has been completed and
22 filed in accordance with this chapter and adopted rules.

23 (1) FILING.--

24 (a) If a birth occurs in a hospital, birth center, or
25 other health care facility, or en route thereto, the person in
26 charge of the facility shall be responsible for preparing the
27 certificate, certifying the facts of the birth, and filing the
28 certificate with the local registrar. Within 48 hours after
29 the birth, the physician, midwife, or person in attendance
30 during or immediately after the delivery shall provide the
31

1 facility with the medical information required by the birth
2 certificate.

3 (b) If a birth occurs outside a facility and the child
4 is not taken to the facility within 3 days after delivery, the
5 certificate shall be prepared and filed by one of the
6 following persons in the indicated order of priority:

7 1. The physician or midwife in attendance during or
8 immediately after the birth.

9 2. In the absence of persons described in subparagraph
10 1., any other person in attendance during or immediately after
11 the birth.

12 3. In the absence of persons described in subparagraph
13 2., the father or mother.

14 4. In the absence of the father and the inability of
15 the mother, the person in charge of the premises where the
16 birth occurred.

17 (c) If a birth occurs in a moving conveyance and the
18 child is first removed from the conveyance in this state, the
19 birth shall be filed and registered in this state and the
20 place to which the child is first removed shall be considered
21 the place of birth.

22 (d) At least one of the parents of the child shall
23 attest to the accuracy of the personal data entered on the
24 certificate in time to permit the timely registration of the
25 certificate.

26 (e) If a certificate of live birth is incomplete, the
27 local registrar shall immediately notify the health care
28 facility or person filing the certificate and shall require
29 the completion of the missing items of information if they can
30 be obtained prior to issuing certified copies of the birth
31 certificate.

1 (2) PATERNITY.--

2 (a) If the mother is married at the time of birth, the
3 name of the husband shall be entered on the birth certificate
4 as the father of the child, unless paternity has been
5 determined otherwise by a court of competent jurisdiction.

6 (b) If the husband of the mother dies while the mother
7 is pregnant but before the birth of the child, the name of the
8 deceased husband shall be entered on the birth certificate as
9 the father of the child, unless paternity has been determined
10 otherwise by a court of competent jurisdiction.

11 (c) If the mother is not married at the time of birth,
12 the name of the father may not be entered on the birth
13 certificate without the execution of a consenting affidavit
14 signed by both the mother and the person to be named as the
15 father. The facility shall provide the mother and the person
16 to be named as the father with the affidavit, as well as
17 information provided by the Title IV-D agency established
18 pursuant to s. 409.2557, regarding the benefits of voluntary
19 establishment of paternity. Upon request of the mother and
20 the person to be named as the father, the facility shall
21 assist in the execution of the affidavit.

22 (d) If the paternity of the child is determined by a
23 court of competent jurisdiction as provided under s. 382.015,
24 the name of the father and the surname of the child shall be
25 entered on the certificate in accordance with the finding and
26 order of the court. If the court fails to specify a surname
27 for the child, the surname shall be entered in accordance with
28 subsection (3).

29 (e) If the father is not named on the certificate, no
30 other information about the father shall be entered on the
31 certificate.

1 (3) NAME OF CHILD.--

2 (a) If the mother is married at the time of birth, the
3 mother and father whose names are entered on the birth
4 certificate shall select the given names and surname of the
5 child if both parents have custody of the child, otherwise the
6 parent who has custody shall select the child's name.

7 (b) If the mother and father whose names are entered
8 on the birth certificate disagree on the surname of the child
9 and both parents have custody of the child, the surname
10 selected by the father and the surname selected by the mother
11 shall both be entered on the birth certificate, separated by a
12 hyphen, with the selected names entered in alphabetical order.
13 If the parents disagree on the selection of a given name, the
14 given name may not be entered on the certificate until a joint
15 agreement that lists the agreed upon given name and is
16 notarized by both parents is submitted to the department, or
17 until a given name is selected by a court.

18 (c) If the mother is not married at the time of birth,
19 the person who will have custody of the child shall select the
20 child's given name and surname.

21 (d) If multiple names of the child exceed the space
22 provided on the face of the birth certificate they shall be
23 listed on the back of the certificate. Names listed on the
24 back of the certificate shall be part of the official record.

25 (4) UNDETERMINED PARENTAGE.--A birth certificate shall
26 be registered for every child of undetermined parentage
27 showing all known or approximate facts relating to the birth.
28 To assist in later determination, information concerning the
29 place and circumstances under which the child was found shall
30 be included on the portion of the birth certificate relating
31 to marital status and medical details. In the event the child

1 is later identified to the satisfaction of the department, a
2 new birth certificate shall be prepared which shall bear the
3 same number as the original birth certificate, and the
4 original certificate shall be sealed and filed, shall be
5 confidential and exempt from the provisions of s. 119.07(1),
6 and shall not be opened to inspection by, nor shall certified
7 copies of the same be issued except by court order to, any
8 person other than the registrant if of legal age.

9 (5) DISCLOSURE.--The original certificate of live
10 birth shall contain all the information required by the
11 department for legal, social, and health research purposes.
12 However, all information concerning parentage, marital status,
13 and medical details shall be confidential and exempt from the
14 provisions of s. 119.07(1), except for health research
15 purposes as approved by the department, nor shall copies of
16 the same be issued except as provided in s. 382.025.

17 Section 85. Section 382.0135, Florida Statutes, is
18 amended to read:

19 382.0135 Social security numbers; enumeration-at-birth
20 program.--~~The department of Health and Rehabilitative~~
21 ~~Services, through the State Registrar, shall make arrangements~~
22 ~~with the United States Social Security Administration to~~
23 ~~participate enable this state to begin participating, as soon~~
24 ~~as practicable, in the voluntary enumeration-at-birth program~~
25 ~~established by that federal agency. The State Registrar is~~
26 ~~authorized to and shall take any actions that are necessary in~~
27 ~~order to administer the program in this state, including~~
28 ~~modifying the procedures and forms used in the birth~~
29 ~~registration process.~~

30 Section 86. Section 382.015, Florida Statutes, 1996
31 Supplement, is amended to read:

1 382.015 New ~~or amended~~ certificates of live birth;
2 duty of clerks of court and department.--The clerk of the
3 court in which any proceeding for ~~determination of paternity,~~
4 adoption, ~~or~~ annulment of an adoption, affirmation of parental
5 status, or determination of paternity is to ~~shall~~ be
6 registered, shall within 30 days after the final disposition,
7 ~~thereof~~ forward to the department a court-certified copy of
8 the court decree, or a report of the ~~said~~ proceedings upon a
9 form to be furnished by the department, together with, ~~which~~
10 ~~form shall contain~~ sufficient information to identify the
11 original birth certificate ~~of the child~~ and to enable the
12 preparation of a ~~an amendatory or~~ new birth certificate ~~to be~~
13 prepared.

14 (1) ADOPTION AND ANNULMENT OF ADOPTION.--

15 (a) Upon receipt of the report or certified copy of an
16 adoption decree, together with the information necessary to
17 identify the original certificate of live birth, and establish
18 a new certificate of an adoption from a clerk of the court, or
19 upon receipt of a certified copy of a final decree of
20 adoption, together with all necessary information, from any
21 registrant or adoptive parent of a registrant, the department
22 shall prepare and file a new birth certificate, absent
23 objection by the court decreeing the adoption, the adoptive
24 parents, or the adoptee if of legal age. The, ~~which~~
25 certificate shall bear the same file number as the original
26 birth certificate. All names and identifying information
27 relating to the adoptive parents ~~statistical particulars~~
28 entered on the new certificate shall refer to the adoptive
29 parents, but nothing in the ~~said~~ certificate shall refer to or
30 designate the ~~said~~ parents as being adoptive. All other items
31

1 not affected by adoption shall be copied as on the original
2 certificate, including the date of registration and filing.

3 (b) Upon receipt of the report or certified copy of an
4 annulment-of-adoption decree, together with the sufficient
5 information to identify the original certificate of live
6 birth, the department shall, if a new certificate of birth was
7 filed following an adoption report or decree, remove the new
8 certificate and restore the original certificate to its
9 original place in the files, and the certificate so removed
10 shall be sealed by the department.

11 (c) Upon receipt of a report or certified copy of an
12 adoption decree or annulment-of-adoption decree for a person
13 born in another state, the department shall forward the report
14 or decree to the state of the registrant's birth. If the
15 adoptee was born in Canada, the department shall send a copy
16 of the report or decree to the appropriate birth registration
17 authority in Canada.

18 (2) DETERMINATION OF PATERNITY.--

19 (a) Upon receipt of the report ~~or of a determination~~
20 ~~of paternity from a clerk of the court, or upon receipt of a~~
21 ~~certified copy of a final decree or judgment of determination~~
22 ~~of paternity, or upon written request and receipt of a~~
23 ~~consenting affidavit signed by both parents acknowledging the~~
24 ~~paternity of the registrant, together with sufficient~~
25 ~~information to identify the original certificate of live birth~~
26 ~~all necessary information from a registrant or the parent or~~
27 ~~parents of a registrant, or upon receipt of evidence of the~~
28 ~~marriage of the parents of a person subsequent to the birth of~~
29 ~~said person, the department shall prepare and file a new birth~~
30 ~~certificate which certificate shall bear the same file number~~
31 ~~as the original birth certificate. If paternity has been~~

1 established pursuant to court order, the registrant's name
2 shall be entered as decreed by the court. Otherwise, the
3 surname of the registrant may be changed from that shown on
4 the original birth certificate at the request of the parents
5 or the registrant if of legal age. The names and identifying
6 information of the parents ~~statistical particulars~~ shall be
7 entered as of the date of the registrant's birth ~~but as though~~
8 the parents were married at that time.

9 (b) If the parents marry each other at any time after
10 the registrant's birth, the department shall, upon request of
11 the parents or registrant if of legal age and proof of the
12 marriage, amend the certificate with regard to the parent's
13 marital status as though the parents were married at the time
14 of birth.

15 (c) If a father's name is already listed on the birth
16 certificate, the birth certificate may only be amended to add
17 a different father's name upon court order. If a change in
18 the registrant's surname is also desired, such change must be
19 included in the court order determining paternity or the name
20 must be changed pursuant to s. 68.07.

21 (3) AFFIRMATION OF PARENTAL STATUS.--Upon receipt of
22 an order of affirmation of parental status issued pursuant to
23 s. 742.16, together with sufficient information to identify
24 the original certificate of live birth, the department shall
25 prepare and file a new birth certificate which shall bear the
26 same file number as the original birth certificate. The names
27 and identifying information of the registrant's parents
28 entered on the new certificate shall be the commissioning
29 couple, but the new certificate may not make reference to or
30 designate the parents as the commissioning couple.

31

1 ~~(3) ANNULMENT OF ADOPTION.--Upon receipt of the report~~
2 ~~of an annulment of an adoption from a clerk of the court, or~~
3 ~~upon receipt of a certified copy of a final decree, or~~
4 ~~judgment of the annulment of adoption, the department shall,~~
5 ~~if a new certificate of birth was filed, based upon an~~
6 ~~adoption order, remove such new certificate and restore the~~
7 ~~original certificate to its original place in the files and~~
8 ~~the certificate so removed shall then be destroyed by the~~
9 ~~department.~~

10 ~~(4) DUTY OF DEPARTMENT UPON RECEIPT OF REPORTS ON~~
11 ~~CHILDREN NOT BORN IN THIS STATE.--Upon receipt of a report of~~
12 ~~an adoption, determination of paternity, or annulment of an~~
13 ~~adoption from a clerk of the court, in which report it~~
14 ~~affirmatively appears that the person involved was born in a~~
15 ~~state other than the State of Florida, it shall be the duty of~~
16 ~~the department to forward a copy of such report to the State~~
17 ~~Registrar or comparable official of the state in which said~~
18 ~~person was born.~~

19 ~~(4)(5)~~ SUBSTITUTION OF NEW CERTIFICATE OF BIRTH FOR
20 ORIGINAL.--When a new certificate of birth is prepared, the
21 department shall substitute the new certificate of birth for
22 the original certificate one on file in the Office of Vital
23 Statistics. All copies of the original certificate of live
24 birth in the custody of a local registrar or other state
25 custodian of vital records shall be forwarded to the State
26 Registrar. Thereafter, when a certified copy of the
27 certificate of birth of such person or portion thereof is
28 issued, it shall be a copy of the new certificate of birth or
29 portion thereof, except when a court an order requires of a
30 court of competent jurisdiction shall require the issuance of
31 a certified copy of the original certificate of birth. In,

1 ~~and in the case of an adoption, change in paternity,~~
2 ~~affirmation of parental status, undetermined parentage, or~~
3 ~~court-ordered substitution, the department shall place the~~
4 ~~original certificate of birth and all papers pertaining~~
5 ~~thereto under seal, not to be broken or opened except by order~~
6 ~~of a court of competent jurisdiction or as otherwise provided~~
7 ~~by law. The original birth certificate is confidential and~~
8 ~~exempt from the provisions of s. 119.07(1). In the case of an~~
9 ~~adoptive child, access to the original certificate of birth~~
10 ~~shall be governed by s. 63.162.~~

11 (5) FORM.--Except for certificates of foreign birth
12 which are registered as provided in s. 382.017, and delayed
13 certificates of birth which are registered as provided in ss.
14 382.019 and 382.0195, all original, new, or amended
15 certificates of live birth shall be identical in form,
16 regardless of the marital status of the parents or the fact
17 that the registrant is adopted or of undetermined parentage.

18 (6) RULES.--The department shall adopt and enforce all
19 rules necessary for carrying out the provisions of this
20 section.

21 Section 87. Section 382.016, Florida Statutes, is
22 amended:

23 (Substantial rewording of section. See
24 s. 382.016, F.S., for present text.)
25 382.016 Amendment of records.--

26 (1) The department, upon receipt of the fee prescribed
27 in s. 382.0255, documentary evidence of any misstatement,
28 error, or omission occurring in any birth, death, or fetal
29 death record as may be required by department rule, and an
30 affidavit setting forth the changes to be made, shall amend or
31 replace the original certificate as necessary. However, except

1 for a misspelling or an omission on a death certificate with
2 regard to the name of the surviving spouse, the department may
3 not change the name of the surviving spouse on the certificate
4 except by order of a court of competent jurisdiction.

5 (2) Until a child's first birthday, the child's given
6 name or surname may be amended upon receipt of the fees
7 prescribed in s. 382.0255 and an affidavit signed by the
8 parent or parents named on the certificate or by the
9 registrant's guardian. If both parents are named on the
10 certificate but both are not willing or available to sign the
11 affidavit, the registrant's name may only be amended by court
12 order.

13 Section 88. Section 382.017, Florida Statutes, is
14 amended to read:

15 (Substantial rewording of section. See
16 s. 382.017, F.S., for present text.)
17 382.017 Foreign births.--

18 (1) Upon request, the department shall prepare and
19 register a certificate of foreign birth for an adoptee born in
20 a foreign country who is not a citizen of the United States
21 and whose judgment of adoption was entered by a court of
22 competent jurisdiction of this state. The certificate shall
23 be established upon receipt of the report or certified copy of
24 the adoption decree, proof of the date and place of the
25 adoptee's birth, and a request that the certificate be
26 prepared from the court, the adopting parents, or the adoptee
27 if of legal age. The certificate shall be labeled
28 "Certificate of Foreign Birth" and shall show the true country
29 and date of birth of the adoptee, and must include a statement
30 that the certificate is not evidence of United States
31 citizenship. After registering the certificate of foreign

1 birth in the new name of the adoptee, the department shall
2 place the adoption report or decree under seal, not to be
3 broken except pursuant to court order.

4 (2) If the adoptee was born in a foreign country but
5 was a citizen of the United States at the time of birth, the
6 department shall not prepare a certificate of foreign birth
7 but shall notify the adoptive parents, or the adoptee if of
8 legal age, of the procedure for obtaining a revised birth
9 certificate through the United States Department of State.

10 Section 89. Section 382.018, Florida Statutes, is
11 renumbered as section 382.0195, Florida Statutes, and amended
12 to read:

13 (Substantial rewording of section. See
14 s. 382.018, F.S., for present text.)

15 382.0195 Court-issued delayed birth certificate.--

16 (1) In addition to the provisions of s. 382.019, any
17 state resident or person born in this state who does not have
18 a birth certificate may, at any time after birth, file a
19 petition in the circuit court in the county of residence or in
20 the alleged county of his or her birth, setting forth the
21 date, place, and parentage of birth and petitioning the court
22 to issue a delayed birth certificate. The petition must be on
23 a form furnished by the department and must be accompanied by
24 a certified statement from the state registrar of the alleged
25 state of birth, stating that, based on the facts submitted by
26 the petitioner, a birth certificate for the petitioner is not
27 on file.

28 (2) Upon the filing of the petition, the court shall
29 hold a hearing at which time such evidence may be presented as
30 may be required by the court to establish the fact of the
31 petitioner's birth and the date, place, and parentage of his

1 or her birth. However, a certificate may not be granted based
2 solely on the uncorroborated testimony of the petitioner.

3 (3) If the evidence is sufficient, the court shall
4 issue a delayed birth certificate on a form furnished by the
5 department. Documentation submitted by the petitioner in
6 support of the petition shall be recorded on the delayed birth
7 certificate.

8 (4) The original and court copies of the delayed birth
9 certificate issued by the court shall be distributed as
10 follows:

11 (a) One copy shall be filed in the circuit court as a
12 permanent record.

13 (b) If the birth occurred in this state, one copy
14 shall be delivered to the petitioner and the original shall be
15 mailed to the department by the clerk of the court within 10
16 days after the delayed certificate is issued by the court.

17 (c) If the birth occurred outside this state, the
18 original certificate plus one copy shall be delivered to the
19 petitioner by the court.

20 (5) A delayed birth certificate issued by a court
21 pursuant to this section and registered with the department
22 may not be amended except by court order.

23 Section 90. Section 382.019, Florida Statutes, is
24 amended to read:

25 382.019 Delayed registration ~~Filing of certificates of~~
26 ~~birth, death, or fetal death in cases where no certificate was~~
27 ~~filed at time of birth, death, or fetal death.--~~

28 (1) Registration after 1 year is a delayed
29 registration, and the department may, upon receipt of the fee
30 required under s. 382.0255, and proof of the birth, death, or
31 fetal death as prescribed by this section or rule, register a

1 delayed certificate if the department does not already have a
2 certificate of the birth, death, or fetal death on file. ~~if~~
3 ~~at any time after the birth, death, or fetal death of any~~
4 ~~person within the state, a copy of the official record or~~
5 ~~portion thereof of said birth, death, or fetal death is~~
6 ~~necessary and, after search by the department or its~~
7 ~~representative, it should appear that no such certificate of~~
8 ~~birth, death, or fetal death was prepared or filed, the~~
9 ~~physician, midwife, or funeral director responsible for the~~
10 ~~report, or father, mother, older brother or sister, or other~~
11 ~~person knowing the facts may file with the department such~~
12 ~~certificate of birth, death, or fetal death, together with~~
13 ~~such sworn statements and affidavits and other evidence as may~~
14 ~~be required by rule of the department.~~

15 (2) The department may require such supporting
16 documents ~~affidavits~~ to be presented and such proof to be
17 filed as it deems ~~may deem advisable or necessary and~~
18 sufficient to establish the truth of the facts ~~endeavored to~~
19 ~~be made or~~ recorded by the certificate, provided for in
20 ~~subsection (1) and may withhold registering filing of the~~
21 birth, death, or fetal death certificate ~~involved until its~~
22 requirements are met ~~complied with.~~

23 (3) Certificates registered ~~filed and accepted~~ under
24 this section are ~~shall be~~ admissible as prima facie evidence
25 of the facts recited therein with like force and effect as
26 other vital ~~statistics~~ records ~~are~~ received or admitted in
27 evidence. ~~The department may make and enforce appropriate~~
28 ~~rules to carry out this section and to prevent fraud and~~
29 ~~deception.~~

30
31

1 (4) A delayed certificate of birth filed under this
2 section shall include a summary statement of the evidence
3 submitted in support of the delayed registration.

4 (5) A delayed certificate of birth submitted for
5 registration under this section shall be signed before a
6 notarizing official by the registrant if of legal age, or by
7 the parent or guardian of a minor registrant.

8 (6) A person may not establish more than one birth
9 certificate, and a delayed certificate of birth may not be
10 registered for a deceased person.

11 (7) A delayed death or fetal death record shall be
12 registered on a certificate of death or fetal death and marked
13 "delayed."

14 Section 91. Section 382.021, Florida Statutes, is
15 amended to read:

16 382.021 Department to receive marriage licenses.--

17 ~~(1) Upon the return of each marriage license to the~~
18 ~~issuing county court judge or clerk of the circuit court, as~~
19 ~~provided and issued under chapter 741, the issuing county~~
20 ~~court judge or clerk of the circuit court shall forthwith~~
21 ~~record the same, and shall, On or before the 5th day of each~~
22 ~~month, the county court judge or clerk of the circuit court~~
23 shall transmit all ~~the~~ original marriage licenses, with
24 endorsements ~~thereon, received by him or her~~ during the
25 preceding calendar month, to the department. Any marriage
26 licenses issued and not returned ~~to the issuing county court~~
27 ~~judge or clerk of the circuit court~~ or any marriage licenses
28 returned but ~~to the issuing county court judge or clerk of the~~
29 ~~circuit court~~ and not recorded ~~by him or her so as to be~~
30 ~~transmitted to the department~~ shall be reported by the issuing
31 county court judge or clerk of the circuit court to the

1 department at the time of transmitting the recorded licenses
2 on the forms to be prescribed and furnished by the department.
3 If during any month no marriage licenses are issued or
4 returned to a county court judge or clerk of the circuit
5 court, the county court judge or clerk of the circuit court
6 shall report such fact to the department upon forms prescribed
7 and furnished by the department.

8 ~~(2) From and after October 1, 1987, marriage licenses~~
9 ~~shall be valid only for a period of 60 days after issuance,~~
10 ~~and no person shall perform any ceremony of marriage after the~~
11 ~~expiration date of such license. The county court judge or~~
12 ~~clerk of the circuit court shall recite on each marriage~~
13 ~~license the final date that such is so valid.~~

14 Section 92. Section 382.022, Florida Statutes, is
15 amended to read:

16 382.022 ~~County court judges and clerks of the circuit~~
17 ~~courts to transmit~~ Marriage application fees monthly.--Upon
18 the receipt of each application for the issuance of a marriage
19 license, the county court judge or clerk of the circuit court
20 shall, pursuant to s. 741.02, collect and receive a fee of \$4
21 which shall be transmitted, on or before the 10th day of each
22 month, each of the several county court judges and clerks of
23 the circuit courts of the state shall transmit to the
24 department to defray part of the cost of maintaining marriage
25 records, for deposit in the trust fund provided in s.
26 382.025(9), the fees collected by him or her under the
27 provisions of s. 741.02 during the preceding calendar months.

28 Section 93. Section 382.023, Florida Statutes, is
29 amended to read:

30 (Substantial rewording of section. See
31 s. 382.023, F.S., for present text.)

1 382.023 Department to receive dissolution-of-marriage
2 records; fees.--Clerks of the circuit courts shall collect for
3 their services at the time of the filing of a final judgment
4 of dissolution of marriage a fee of \$7, of which \$3 shall be
5 retained by the circuit court as a part of the cost in the
6 cause in which the judgment is granted. The remaining \$4,
7 together with a record of each and every judgment of
8 dissolution of marriage granted by the court during the
9 preceding calendar month, giving names of parties and such
10 other data as required by forms prescribed by the department,
11 shall be transmitted to the department, on or before the 10th
12 day of each month, to defray part of the cost of maintaining
13 the dissolution-of-marriage records.

14 Section 94. Section 382.025, Florida Statutes, 1996
15 Supplement, is amended to read:

16 382.025 Certified copies of vital records, ~~birth~~
17 ~~records, and other records; confidentiality; research copies~~
18 ~~as evidence; searches of records; fees; disposition of fees.--~~

19 (1) BIRTH RECORDS.--~~All birth records of this state~~
20 ~~shall be confidential and are exempt from the provisions of s.~~
21 ~~119.07(1).~~

22 (a)(2) Certified copies of the original birth
23 certificate ~~and computer certifications and birth cards in~~
24 ~~such form as the department may designate or a any new or~~
25 amended amendatory certificate, or affidavits thereof, are
26 confidential and exempt from the provisions of s. 119.07(1)
27 and, upon receipt of a written request and payment of the fee
28 prescribed in s. 382.0255, shall be issued only as authorized
29 by the department and in the form prescribed by the
30 department, and only:

31 1. To the registrant, if of legal age;

1 2. To the registrant's his or her parent or guardian
2 or other legal representative;
3 3. Upon receipt of the registrant's death certificate,
4 to the registrant's spouse or to the registrant's child,
5 grandchild, or sibling, if of legal age, or to the legal
6 representative of any of such persons;
7 4. To any person if the birth record is over 100 years
8 old and not under seal pursuant to court order;
9 5. To a law enforcement agency for official purposes;
10 ~~the purpose of facilitating the prosecution of offenses under~~
11 ~~s. 794.011, s. 794.05, s. 800.04 and s. 827.04(4); or~~
12 6. To any agency of the state or the United States for
13 official purposes upon approval of the department; or
14 7. Upon order of any court of competent jurisdiction.
15 (b)(3) To protect the integrity of vital records and
16 prevent the fraudulent use of the birth certificates of
17 deceased persons, the department shall match birth and death
18 certificates and post the fact of death to the appropriate
19 birth certificate. A certification of a birth certificate of
20 a deceased registrant shall be marked "deceased." All such
21 ~~computer certificates of birth or birth cards, including those~~
22 ~~for persons born out of wedlock or of undetermined parentage~~
23 ~~or for persons for whom paternity has been determined or for~~
24 ~~adopted persons, shall be identical in form.~~
25 (c) The department shall issue, upon request and upon
26 payment of an additional fee as prescribed under s. 382.0255,
27 a commemorative birth certificate representing that the birth
28 of the person named thereon is recorded in the office of the
29 registrar. The certificate issued under this paragraph shall
30 be in a form consistent with the need to protect the integrity
31 of vital records but shall be suitable for display. It may

1 bear the seal of the state printed thereon and may be signed
2 by the Governor.

3 (2)(4) OTHER RECORDS.--

4 (a) The department shall authorize the issuance of a
5 certified copy ~~or computer certification~~ of all or part of any
6 marriage, dissolution of marriage, or death or fetal death
7 certificate, excluding that portion which is confidential
8 pursuant to ~~s. 382.008(6)~~ and exempt from the provisions of s.
9 119.07(1) as provided under s. 382.008, to any person
10 requesting it upon receipt of a written request and payment of
11 the fee prescribed by this section. A ~~copy or computer~~
12 certification of the death ~~certificate~~ or fetal death
13 certificate which includes, ~~including~~ the confidential
14 portions, shall be issued only:

15 1. To the registrant's spouse or parent, or to the
16 registrant's child, grandchild, or sibling, if of legal age,
17 or to any family member who provides a will, insurance policy,
18 or other document that demonstrates the family member's
19 interest in the estate of the registrant, or to any person who
20 provides documentation that he or she is acting on behalf of
21 any of them; ~~immediate family or guardian, the representative~~
22 ~~of the family or guardian, or~~

23 2. To any agency of the state or local government or
24 the United States for official purposes upon approval of the
25 department; or

26 3. Upon order of any court of competent jurisdiction.

27 (b) All portions of a certificate of death shall cease
28 to be exempt from the provisions of s. 119.07(1) 50 years
29 after the date of death.

30 (c) The department shall issue, upon request and upon
31 payment of an additional fee prescribed by this section, a

1 commemorative marriage license representing that the marriage
2 of the persons named thereon is recorded in the office of the
3 registrar. The certificate issued under this paragraph shall
4 be in a form consistent with the need to protect the integrity
5 of vital records but shall be suitable for display. It may
6 bear the seal of the state printed thereon and may be signed
7 by the Governor.

8 ~~(5) Any copy of any record or part thereof filed under~~
9 ~~the provisions of this act when properly certified by the~~
10 ~~department shall be prima facie evidence in all courts and~~
11 ~~cases of the facts therein stated.~~

12 ~~(6) The department is entitled to fees as follows:~~

13 ~~(a) Not less than \$3 or more than \$5 for the first~~
14 ~~calendar year of records searched for a vital record and not~~
15 ~~less than \$1 or more than \$2 for each additional calendar year~~
16 ~~of records searched, up to a maximum of \$50. If the record is~~
17 ~~located, this fee entitles the applicant to one computer~~
18 ~~certification of the record or a photocopy or birth card if~~
19 ~~computer certification is not available. An additional fee of~~
20 ~~not less than \$3 or more than \$5 is required if a photocopy,~~
21 ~~short-form photocopy, or birth card is requested in place of~~
22 ~~or in addition to a computer certification.~~

23 ~~(b) Not less than \$10 or more than \$20 for processing~~
24 ~~and filing a delayed certification of birth, death, or fetal~~
25 ~~death. This fee entitles the applicant to one certification of~~
26 ~~the record, if filed.~~

27 ~~(c) Not less than \$10 or more than \$20 for processing~~
28 ~~and filing a change of name, a correction on a death record,~~
29 ~~or a correction on a birth record. This fee entitles the~~
30 ~~applicant to one certification of the corrected record.~~

31

1 ~~(d) Not less than \$10 or more than \$20 for processing~~
2 ~~and filing a new birth certificate for reason of adoption or~~
3 ~~for reason of determination of paternity. This fee entitles~~
4 ~~the applicant to one certification of the new certificate.~~

5 ~~(e) Not less than \$2 or more than \$4 for each~~
6 ~~certification of a vital record in excess of one certification~~
7 ~~for which a fee for search or a filing fee is paid, when~~
8 ~~ordered at the same time.~~

9 ~~(f) Not less than \$5 or more than \$10 for processing~~
10 ~~and forwarding each exemplified copy of a vital record.~~

11 ~~(g) Twenty-five dollars for a commemorative~~
12 ~~certificate of birth or marriage. Fees collected pursuant to~~
13 ~~this paragraph in excess of expenses shall be deposited by the~~
14 ~~department in the Maternal and Child Health Block Grant Trust~~
15 ~~Fund.~~

16 ~~(h) Not less than \$5 or more than \$10 for each search~~
17 ~~of state census records.~~

18 ~~(i) Not less than \$5 or more than \$10 for expedited~~
19 ~~processing of an initial certified copy or certified statement~~
20 ~~of a vital record.~~

21 ~~(j) Not less than 5 cents or more than 10 cents for~~
22 ~~each vital record listed on computer tape or printout plus~~
23 ~~cost of preparation and handling or a fee consistent with a~~
24 ~~nationally negotiated or established schedule of charges.~~

25 ~~(7) Until rules establishing fees under subsection (6)~~
26 ~~are promulgated by the department, the fees assessed pursuant~~
27 ~~to this subsection shall be the minimum fees cited. All fees~~
28 ~~are due and payable at the time that services are requested~~
29 ~~and are nonrefundable, except that, when a search is conducted~~
30 ~~and no vital record is found, any fees paid for additional~~
31 ~~copies shall be refunded.~~

1 ~~(3)(8)~~ RECORDS AND DATA DISTRIBUTION.--The department
2 may issue vital records or data to:~~federal, state, local, or~~
3 ~~other public or private agencies, as specified in this~~
4 ~~subsection. Issuance of such records or data is exempt from~~
5 ~~the provisions of s. 119.07(1). The copies of records or data~~
6 ~~issued pursuant to this subsection shall remain the property~~
7 ~~of the department. The department shall govern what use may~~
8 ~~be made of these records and data.~~

9 (a) A ~~The federal agency responsible for national~~
10 ~~vital statistics may be furnished such copies or data from the~~
11 ~~system of vital statistics as are required for national~~
12 ~~statistics, if the agency shares in the cost of collecting,~~
13 ~~processing, and transmitting such data and if the data is only~~
14 ~~used by the federal agency for statistical purposes or for~~
15 ~~other purposes specifically authorized by the department.~~

16 ~~(b) Federal, state, local, and other public or private~~
17 ~~agencies may, upon request, be furnished copies or data from~~
18 ~~the system of vital statistics for statistical or~~
19 ~~administrative purposes upon such terms or conditions as may~~
20 ~~be prescribed by the department, but such copies or data may~~
21 ~~not be used for purposes other than those for which they are~~
22 ~~requested unless specifically authorized by the department.~~

23 ~~(b)(c)~~ The department may, by agreement, transmit
24 copies of records and other reports to An office of vital
25 statistics for a jurisdiction outside this state, pursuant to
26 an agreement with the department,when such records or other
27 reports relate to residents of that jurisdiction or persons
28 born in that jurisdiction. The agreement must require that
29 the copies be used for statistical and administrative purposes
30 only, and ~~the agreement~~ must provide for the retention and
31 disposition of such copies.

1 (c) Other governmental agencies upon such terms or
2 conditions as may be prescribed by the department.

3 (d) A research entity, if the entity seeks the records
4 or data pursuant to a research protocol approved by the
5 department and maintains the records or data in accordance
6 with the approved protocol and a purchase and data-use
7 agreement with the department. The department may deny a
8 request for records or data if the protocol provides for
9 intrusive follow-back contacts, has not been approved by a
10 human studies institutional review board, does not plan for
11 the destruction of confidential records after the research is
12 concluded, or does not have scientific merit. The agreement
13 must restrict the release of any information which would
14 permit the identification of persons found in vital statistics
15 records, limit the use of the records or data to the approved
16 research protocol, and prohibit any other use of the records
17 or data.

18
19 Records or data issued under this subsection are exempt from
20 the provisions of s. 119.07(1) and copies of records or data
21 issued pursuant to this subsection remain the property of the
22 department.

23 ~~(9) All fees prescribed herein shall be paid by the~~
24 ~~applicant. The department may waive any or all of the fees~~
25 ~~required in this section. The department shall keep a true and~~
26 ~~correct account of all fees required under this section and~~
27 ~~deposit such fees in a trust fund to be used by the department~~
28 ~~for the efficient administration of this chapter.~~

29 (4)(10) CERTIFIED COPIES OF ORIGINAL
30 CERTIFICATES.--Only the state registrar and local registrars
31 are authorized to ~~No person shall prepare or issue any~~

1 certificate which purports to be a certified copy of an
2 original, ~~or a copy of an original,~~ certificate of live birth,
3 death, or fetal death, ~~except as authorized in this act or~~
4 ~~rules adopted hereunder.~~ Except as provided in this section,
5 preparing or issuing certificates is exempt from the
6 provisions of s. 119.07(1).

7 (5) RULES.--The department shall adopt and enforce all
8 rules necessary for carrying out the provisions of this
9 section.

10 ~~(11) The fee charged for each request for a certified~~
11 ~~birth certificate or birth record as issued by the department~~
12 ~~or by the local registrar shall be subject to a nonrefundable~~
13 ~~additional fee of \$4, due and payable at the time the request~~
14 ~~is made. The state and local registrars shall collect the~~
15 ~~additional fee and deposit it in the appropriate department~~
16 ~~trust funds. On a quarterly basis, the department shall~~
17 ~~transfer \$2 of each additional fee collected by the state and~~
18 ~~local registrars to the General Revenue Fund and \$1.50 to the~~
19 ~~Child Welfare Training Trust Fund created in s. 402.40. Fifty~~
20 ~~cents of the fee shall be available for appropriation to the~~
21 ~~department for administration of this chapter.~~

22 ~~(12)(a) In addition to the original birth certificate~~
23 ~~and any other birth record or copy thereof, the State~~
24 ~~Registrar shall issue upon request and upon payment of an~~
25 ~~additional fee prescribed by this section a birth certificate~~
26 ~~representing that the birth of the person named thereon is~~
27 ~~recorded in the office of the registrar. The certificate~~
28 ~~issued under this paragraph shall be in a form consistent with~~
29 ~~the need to protect the integrity of vital records but shall~~
30 ~~be suitable for display. It may bear the seal of the state~~
31 ~~printed thereon and may be signed by the Governor. It shall~~

1 ~~have the same status as evidence as the original birth~~
2 ~~certificate. Funds derived from such fee in excess of~~
3 ~~departmental expenses shall be deposited by the department~~
4 ~~into the Maternal and Child Health Block Grant Trust Fund for~~
5 ~~use in the Regional Perinatal Intensive Care Centers (RPICC)~~
6 ~~Program to prevent child abuse and neglect.~~

7 ~~(b) In addition to the original marriage license or~~
8 ~~copy thereof, the State Registrar shall issue upon request and~~
9 ~~upon payment of an additional fee prescribed by this section a~~
10 ~~marriage license representing that the marriage of the persons~~
11 ~~named thereon is recorded in the office of the registrar. The~~
12 ~~certificate issued under this paragraph shall be in a form~~
13 ~~consistent with the need to protect the integrity of vital~~
14 ~~records but shall be suitable for display. It may bear the~~
15 ~~seal of the state printed thereon and may be signed by the~~
16 ~~Governor. It shall have the same status as evidence as the~~
17 ~~original marriage license. Funds derived from such fee in~~
18 ~~excess of departmental expenses shall be deposited by the~~
19 ~~department into the Maternal and Child Health Block Grant~~
20 ~~Trust Fund for use in funding the Improved Pregnancy Outcome~~
21 ~~Program.~~

22 Section 95. Section 382.0255, Florida Statutes, is
23 created to read:

24 382.0255 Fees.--

25 (1) The department is entitled to fees, as follows:

26 (a) Not less than \$3 or more than \$5 for the first
27 calendar year of records searched or retrieved and a computer
28 certification of the record, a photocopy or birth card if a
29 computer certification is not available, or, if no record is
30 located, a certified statement to that effect. An additional
31 fee of not less than \$3 or more than \$5 if a photocopy is

1 requested in place of or in addition to a computer
2 certification. Additional fees of not less than \$1 or more
3 than \$2, up to a maximum total of \$50, shall be charged for
4 additional calendar years of records searched or retrieved.

5 (b) Not less than \$10 or more than \$20 for processing
6 and filing a delayed certification of birth, death, fetal
7 death, or presumptive death. This fee entitles the applicant
8 to one certification of the record if filed.

9 (c) Not less than \$10 or more than \$20 for processing
10 and filing a change of name, an amendment to a death record,
11 or an amendment to a birth record. This fee entitles the
12 applicant to one certification of the corrected record.

13 (d) Not less than \$10 or more than \$20 for processing
14 and filing a new birth certificate due to an adoption,
15 affirmation of parental status, or determination of paternity.
16 This fee entitles the applicant to one certification of the
17 new certificate.

18 (e) Not less than \$2 or more than \$4 for each
19 additional certification of the same vital record when ordered
20 at the same time as the initial certification.

21 (f) Not less than \$5 or more than \$10 for processing
22 and forwarding each exemplified copy of a vital record.

23 (g) Not less than \$5 or more than \$10 for an expedited
24 processing of a vital record.

25 (h) Not less than 5 cents or more than 10 cents for
26 each vital record listed on electronic media plus a reasonable
27 charge for the cost of preparation, as defined by department
28 rule.

29 (i) Twenty-five dollars for a commemorative
30 certificate of birth or marriage. Fees collected pursuant to
31 this paragraph in excess of expenses shall be available for

1 use by the Regional Perinatal Intensive Care Centers (RPICC)
2 Program to prevent child abuse and neglect. Funds derived
3 from the issuance of commemorative marriage certificates shall
4 be available for use by the Improved Pregnancy Outcome
5 Program.

6 (2) The fee charged for each request for a
7 certification of a birth record issued by the department or by
8 the local registrar shall be subject to an additional fee of
9 \$4 which shall be deposited in the appropriate departmental
10 trust fund. On a quarterly basis, the department shall
11 transfer \$2 of this additional fee to the General Revenue Fund
12 and \$1.50 to the Child Welfare Training Trust Fund created in
13 s. 402.40. Fifty cents of the fee shall be available for
14 appropriation to the department for administration of this
15 chapter.

16 (3) Fees shall be established by rule. However, until
17 rules are adopted, the fees assessed pursuant to this section
18 shall be the minimum fees cited. The fees established by rule
19 must be sufficient to meet the cost of providing the service.
20 All fees shall be paid by the person requesting the record,
21 are due and payable at the time services are requested, and
22 are nonrefundable, except that, when a search is conducted and
23 no vital record is found, any fees paid for additional
24 certified copies shall be refunded. The department may waive
25 all or part of the fees required under this section.

26 (4) The department shall keep an account of all fees
27 required under this chapter, and deposit such fees in a trust
28 fund used by the department to pay for the efficient
29 administration of this chapter and services provided. It is
30 the intent of the Legislature that the total fees assessed
31

1 under this chapter be in an amount sufficient to meet the cost
2 of carrying out the provisions of this chapter.

3 Section 96. Section 382.026, Florida Statutes, is
4 amended to read:

5 382.026 Penalties.--

6 (1) Any person who willfully and knowingly makes any
7 false statement in a certificate, record, or report required
8 by this chapter, or in an application for an amendment
9 thereof, or in an application for a certified copy of a vital
10 record, or who willfully and knowingly supplies false
11 information, intending that such information be used in the
12 preparation of any such report, record, or certificate, or
13 amendment thereof, commits a felony of the third degree,
14 punishable as provided in s. 775.082, s. 775.083, or s.
15 775.084 makes or alters any certificate or record or
16 certification therefrom provided for in this chapter, or who
17 shall willfully furnish false or fraudulent information
18 affecting any certificate or record required by this chapter,
19 is guilty of a misdemeanor of the second degree, punishable as
20 provided in s. 775.082 or s. 775.083.

21 (2) Any person who, without lawful authority and with
22 the intent to deceive, makes, counterfeits, alters, amends, or
23 mutilates any certificate, record, or report required by this
24 chapter, or a certified copy of such certificate, record, or
25 report, commits a felony of the third degree, punishable as
26 provided in s. 775.082, s. 775.083, or s. 775.084.

27 (3) Any person who willfully and knowingly obtains,
28 possesses, uses, sells, or furnishes to another, or attempts
29 to obtain, possess, use, sell, or furnish to another, for any
30 purpose of deception, any certificate, record, or report
31 required by this chapter, or any certified copy thereof so

1 made, counterfeited, altered, amended, or mutilated, or which
2 is false in whole or in part, or which relates to the birth of
3 another person, commits a felony of the third degree,
4 punishable as provided in s. 775.082, s. 775.083, or s.
5 775.084.

6 (4) Any employee of the department charged with
7 responsibility for maintaining vital records who willfully or
8 knowingly furnishes or possesses a certificate of live birth,
9 death, or fetal death, or a certified copy of a certificate of
10 birth, death, or fetal death, with the knowledge or intention
11 that it be used for purposes of deception commits a felony of
12 the third degree, punishable as provided in s. 775.082, s.
13 775.083, or s. 775.084.

14 (5) Any person who, without lawful authority,
15 possesses any certificate, record, or report required by this
16 chapter or a copy or certified copy of such certificate,
17 record, or report, knowing same to have been stolen or
18 otherwise unlawfully obtained, commits a felony of the third
19 degree, punishable as provided in s. 775.082, s. 775.083, or
20 s. 775.084.

21 (6) Any person who is authorized by this chapter to
22 certify the cause of death of a person and who charges a fee
23 for making such certification commits a misdemeanor of the
24 second degree, punishable as provided in s. 775.082 or s.
25 775.083.

26 (7)~~(2)~~ Any person who knowingly transports or accepts
27 for transport, inters, or otherwise disposes of a dead body
28 without an accompanying permit issued in accordance with the
29 provisions of this chapter commits, ~~is guilty of~~ a misdemeanor
30 of the second degree, punishable as provided in s. 775.083.

31

1 ~~(8)(3)~~ Except where a different penalty is provided
2 for in this section, any person who violates any of the
3 provisions of this chapter, or the rules ~~and regulations~~ of
4 the department, or who neglects or refuses to perform any of
5 the duties imposed upon him or her thereunder, commits ~~is~~
6 ~~guilty of~~ a misdemeanor of the second degree, punishable as
7 provided in s. 775.082 or s. 775.083.

8 ~~(9)(4)~~ In addition to any other sanction or penalty
9 authorized by law, the department may impose a fine which may
10 not exceed ~~\$1,000~~ \$500 for each violation of this chapter ~~s.~~
11 ~~382.006, s. 382.007, s. 382.008, or s. 382.013,~~ or rules
12 adopted thereunder. ~~Notice of intent to impose such fine must~~
13 ~~be given by the department to the alleged violator.~~ Each day
14 that a violation continues may constitute a separate
15 violation. In determining the amount of any fine to be
16 imposed for a violation, the department shall consider the
17 following factors:

18 (a) The gravity of the violation or extent to which
19 the provisions of the applicable statute or rule were
20 violated.

21 (b) Any action taken by the alleged violator to
22 correct the violation or assure that the violation will not
23 reoccur.

24 (c) Any previous violation.

25

26 ~~(5)~~ All fines collected under this subsection ~~subsections~~
27 ~~(1)-(4)~~ shall be deposited in a the trust fund used by the
28 department to pay for the efficient administration of this
29 chapter and services provided for in s. 382.025(9).

30 (10) The department shall adopt and enforce all rules
31 to carry out the provisions of this section.

1 Section 97. Section 382.356, Florida Statutes, 1996
2 Supplement, is amended to read:

3 382.356 Protocol for sharing certain birth certificate
4 information.--In order to facilitate the prosecution of
5 offenses under s. 794.011, s. 794.05, s. 800.04, or s.
6 827.04(4), ~~the Office of Vital Statistics of the Department of~~
7 ~~Health and Rehabilitative Services~~, the Department of Revenue,
8 and the Florida Prosecuting Attorneys Association shall
9 develop a protocol for sharing birth certificate information
10 for all children born to unmarried mothers who are less than
11 17 years of age at the time of the child's birth.

12 Section 98. The introductory paragraph of section
13 383.2161, Florida Statutes, is amended to read:

14 383.2161 Maternal and child health report.--~~Beginning~~
15 ~~in 1993,~~The Department of Health ~~and Rehabilitative Services~~
16 annually shall compile and analyze the risk information
17 collected by the Office of Vital Statistics and the district
18 prenatal and infant care coalitions and shall prepare and
19 submit to the Legislature by January 2 a report that includes,
20 but is not limited to:

21 Section 99. Paragraph (c) of subsection (5) of section
22 402.40, Florida Statutes, 1996 Supplement, is amended to read:

23 402.40 Child welfare training academies established;
24 Child Welfare Standards and Training Council created;
25 responsibilities of council; Child Welfare Training Trust Fund
26 created.--

27 (5) CHILD WELFARE TRAINING TRUST FUND.--

28 (c) In addition to the funds generated by paragraph
29 (b), the trust fund shall receive funds generated from an
30 additional fee on birth certificates and dissolution of
31 marriage filings, as specified in ss. 382.0255 ~~382.025~~ and

1 28.101, respectively, and may receive funds from any other
2 public or private source.

3 Section 100. Section 460.414, Florida Statutes, is
4 amended to read:

5 460.414 Chiropractic physicians subject to state and
6 municipal rules and regulations.--All licensed chiropractic
7 physicians shall observe and be subject to all state and
8 municipal rules and regulations relating to the control of
9 contagious and infectious diseases, sign death certificates in
10 accordance with chapter 382, and comply with all laws
11 pertaining to public health, reporting to the proper authority
12 as other practitioners are required to do.

13 Section 101. Section 741.041, Florida Statutes, is
14 amended to read:

15 741.041 Marriage license application valid for 60 ~~30~~
16 days.--Marriage licenses shall be valid only for a period of
17 60 days after issuance, and no person shall perform any
18 ceremony of marriage after the expiration date of such
19 license. The county court judge or clerk of the circuit court
20 shall recite on each marriage license the final date that the
21 license is valid ~~license applications shall be valid only for~~
22 ~~a period of 30 days after receipt by an applicant, and no~~
23 ~~clerk of the circuit court shall issue a license for the~~
24 ~~marriage of two people more than 30 days after the application~~
25 ~~was received by the applicant.~~

26 Section 102. Subsection (1) of section 742.10, Florida
27 Statutes, is amended to read:

28 742.10 Establishment of paternity for children born
29 out of wedlock.--

30 (1) This chapter provides the primary jurisdiction and
31 procedures for the determination of paternity for children

1 born out of wedlock. When the establishment of paternity has
2 been raised and determined within an adjudicatory hearing
3 brought under the statutes governing inheritance, or
4 dependency under workers' compensation or similar compensation
5 programs, ~~or vital statistics~~, or when an affidavit
6 acknowledging paternity or a stipulation of paternity is
7 executed by both parties and filed with the clerk of the
8 court, or when a consenting affidavit as provided for in s.
9 382.013 or s. 382.015 ~~s. 382.013(6)(b)~~ is executed by both
10 parties, it shall constitute the establishment of paternity
11 for purposes of this chapter. If no adjudicatory proceeding
12 was held, a voluntary acknowledgment of paternity shall create
13 a rebuttable presumption, as defined by s. 90.304, of
14 paternity. Except for consenting affidavits under seal
15 pursuant to s. 382.015, the Office Bureau of Vital Statistics
16 shall provide certified copies of ~~consenting~~ affidavits to the
17 Title IV-D agency upon request.

18 Section 103. Subsection (8) of section 742.16, Florida
19 Statutes, 1996 Supplement, is amended to read:

20 742.16 Expedited affirmation of parental status for
21 gestational surrogacy.--

22 (8) Within 30 days after entry of the order, the clerk
23 of the court shall prepare a certified statement of the order
24 for the state registrar of vital statistics on a form provided
25 by the registrar. The court shall thereupon enter an order
26 requiring the Department of Health ~~and Rehabilitative Services~~
27 to issue a new birth certificate naming the commissioning
28 couple as parents and requiring the department to seal the
29 original birth certificate.

30 Section 104. Sections 110.1125, 381.81, 382.024,
31 387.01, 387.02, 387.03, 387.04, 387.05, 387.06, 387.07,

1 387.08, 387.09, 387.10, 402.37, 501.061, 501.065, 501.071,
2 501.081, 501.085, 501.091, 501.095, 501.101, 501.105, 501.111,
3 501.115, 501.121, and 501.124, Florida Statutes; paragraph (e)
4 of subsection (1) of section 403.7045, Florida Statutes;
5 section 381.698, Florida Statutes, as amended by chapter
6 95-148, Laws of Florida; section 382.014, Florida Statutes, as
7 amended by chapters 96-215 and 96-406, Laws of Florida;
8 section 382.027, Florida Statutes, as amended by chapters
9 95-148 and 96-406, Laws of Florida; and section 501.075,
10 Florida Statutes, as amended by chapter 96-406, Laws of
11 Florida, are hereby repealed.

12 Section 105. Effective June 30, 1997, subsection (12)
13 of section 766.1115, as created by section 1 of chapter
14 92-278, Laws of Florida, is hereby repealed.

15 Section 106. Except as otherwise provided herein, this
16 act shall take effect July 1, 1997.

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HOUSE SUMMARY

Revises, reorganizes, updates, and conforms various provisions relating to public health and vital records, and duties of the Department of Health with respect thereto.