

1 A bill to be entitled
2 An act relating to the Department of Health;
3 amending s. 20.43, F.S.; providing the
4 department with authority for certain
5 divisions; revising certain division names;
6 revising language with respect to the use of
7 certain funds; amending s. 39.303, F.S.;
8 conforming titles relating to Children's
9 Medical Services; amending s. 110.205, F.S.;
10 conforming language relating to exempt
11 positions with respect to the career service;
12 amending s. 120.80, F.S.; providing the
13 department with contract authority for certain
14 administrative hearings; amending s. 154.504,
15 F.S.; providing requirements for provider
16 contracts; amending s. 287.155, F.S.; providing
17 certain authority to purchase automotive
18 equipment; amending s. 372.6672, F.S.; removing
19 responsibility regarding alligator management
20 and trapping from the Department of Health and
21 Rehabilitative Services; amending s. 381.0022,
22 F.S.; allowing the department to share certain
23 confidential information relating to Medicaid
24 recipients for certain payment purposes;
25 amending s. 381.004, F.S.; revising
26 requirements relating to HIV tests on deceased
27 persons; amending s. 381.0051, F.S.; providing
28 the department with certain rulemaking
29 authority; amending s. 381.006, F.S.; providing
30 the department with rulemaking authority
31 relating to inspection of certain group care

1 facilities under the environmental health
 2 program; amending s. 381.0061, F.S.; providing
 3 the department with authority to impose certain
 4 fines; amending s. 381.0062, F.S.; revising
 5 definitions to clarify differences in
 6 regulatory requirements for drinking water
 7 systems; amending s. 381.90, F.S.; revising
 8 membership and duties of the Health Information
 9 Systems Council; requiring a report; amending
 10 s. 382.003, F.S.; removing unnecessary
 11 language; providing for certain rules; amending
 12 s. 382.004, F.S.; revising language with
 13 respect to reproduction and destruction of
 14 certain records; amending s. 382.008, F.S.;
 15 removing language conflicting with federal law;
 16 amending s. 382.013, F.S.; providing certain
 17 requirements relating to birth registration;
 18 amending s. 382.015, F.S.; providing for
 19 technical changes with respect to certificates
 20 of live birth; amending s. 382.016, F.S.;
 21 providing for administrative procedures for
 22 acknowledging paternity; amending s. 382.019,
 23 F.S.; establishing certain requirements and
 24 rulemaking authority for registration; amending
 25 s. 382.025, F.S.; setting requirements for
 26 certain data; amending s. 382.0255, F.S.;
 27 revising requirements for fee transfer;
 28 amending s. 383.011, F.S.; clarifying
 29 Department of Health rulemaking authority
 30 relating to the Child Care Food Program;
 31 amending s. 383.14, F.S.; correcting the name

1 of the WIC program to conform to federal law;
 2 amending s. 385.202, F.S.; removing certain
 3 department reimbursement requirements; amending
 4 s. 385.203, F.S.; revising requirements and
 5 membership for the Diabetes Advisory Council;
 6 amending s. 391.021, F.S.; conforming
 7 references to Children's Medical Services;
 8 amending s. 391.028, F.S.; providing the
 9 Director of Children's Medical Services with
 10 certain appointment authority; amending s.
 11 391.0315, F.S.; providing requirements for
 12 benefits to children with special health care
 13 needs; amending ss. 391.221, 391.222, and
 14 391.223, F.S.; conforming references to
 15 Children's Medical Services; amending s.
 16 392.69, F.S.; authorizing the department to use
 17 certain excess money for improvements to
 18 facilities and establishing an advisory board
 19 for the A.G. Holley State Hospital; amending s.
 20 409.912, F.S.; requiring the Agency for Health
 21 Care Administration to enter into certain
 22 agreements; amending s. 409.9126, F.S.;
 23 revising date requirements for certain
 24 capitation payments to Children's Medical
 25 Services; amending s. 455.564, F.S.;
 26 authorizing certain boards to require
 27 continuing education hours in certain areas;
 28 providing construction; authorizing certain
 29 boards within the Division of Medical Quality
 30 Assurance to adopt rules granting continuing
 31 education hours for certain activities;

1 amending s. 455.5651, F.S.; prohibiting certain
 2 information from being included in practitioner
 3 profiles; amending s. 465.019, F.S.;
 4 authorizing certain nursing homes to purchase
 5 medical oxygen; amending ss. 468.304 and
 6 468.306, F.S.; permitting the department to
 7 increase certain examination costs; amending s.
 8 468.309, F.S.; providing the department with
 9 rulemaking authority for establishing
 10 expirations for radiologic technologists'
 11 certificates; amending s. 499.005, F.S.;
 12 requiring and clarifying certain prohibitions
 13 relating to sales of prescription drugs and
 14 legend devices; amending s. 499.007, F.S.;
 15 conforming prescription statement requirements
 16 to federal language; amending s. 499.028, F.S.;
 17 authorizing certain federal, state, or local
 18 government employees to possess drug samples;
 19 amending ss. 499.069 and 742.10, F.S.;
 20 conforming cross references; naming the Wilson
 21 T. Sowder, M.D., Building, the William G. "Doc"
 22 Myers, M.D., Building, and the E. Charlton
 23 Prather, M.D., Building; directing the
 24 Department of Children and Family Services and
 25 the Agency for Health Care Administration to
 26 develop a system for newborn Medicaid
 27 identification; repealing s. 381.731(3), F.S.,
 28 relating to submission of the Healthy
 29 Communities, Healthy People Plan; repealing s.
 30 383.307(5), F.S., relating to consultations
 31 between birth centers and the Department of

1 Health; repealing s. 404.20(7), F.S., relating
2 to obsolete radioactive monitoring systems;
3 repealing s. 409.9125, F.S., relating to
4 Medicaid alternative service networks;
5 authorizing the Department of Health to become
6 an accrediting authority for environmental
7 laboratory standards; providing intent and
8 rulemaking authority for the department to
9 implement standards of the National
10 Environmental Laboratory Accreditation Program;
11 providing an effective date.

12
13 Be It Enacted by the Legislature of the State of Florida:

14
15 Section 1. Subsection (3) and paragraphs (a) and (b)
16 of subsection (7) of section 20.43, Florida Statutes, 1998
17 Supplement, are amended to read:

18 20.43 Department of Health.--There is created a
19 Department of Health.

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

- 22 (a) Division of Administration.
23 (b) Division of Environmental Health.
24 (c) Division of Disease Control.
25 (d) Division of Family Health Services.
26 (e) Division of Children's Medical Services Network.
27 (f) Division of Emergency Medical Services and
28 Community Health Resources ~~Local Health Planning, Education,~~
29 ~~and Workforce Development~~.

30
31

1 (g) Division of Medical Quality Assurance, which is
2 responsible for the following boards and professions
3 established within the division:

4 1. Nursing assistants, as provided under s. 400.211.

5 2. Health care services pools, as provided under s.
6 402.48.

7 3. The Board of Acupuncture, created under chapter
8 457.

9 4. The Board of Medicine, created under chapter 458.

10 5. The Board of Osteopathic Medicine, created under
11 chapter 459.

12 6. The Board of Chiropractic Medicine, created under
13 chapter 460.

14 7. The Board of Podiatric Medicine, created under
15 chapter 461.

16 8. Naturopathy, as provided under chapter 462.

17 9. The Board of Optometry, created under chapter 463.

18 10. The Board of Nursing, created under chapter 464.

19 11. The Board of Pharmacy, created under chapter 465.

20 12. The Board of Dentistry, created under chapter 466.

21 13. Midwifery, as provided under chapter 467.

22 14. The Board of Speech-Language Pathology and
23 Audiology, created under part I of chapter 468.

24 15. The Board of Nursing Home Administrators, created
25 under part II of chapter 468.

26 16. The Board of Occupational Therapy, created under
27 part III of chapter 468.

28 17. Respiratory therapy, as provided under part V of
29 chapter 468.

30 18. Dietetics and nutrition practice, as provided
31 under part X of chapter 468.

- 1 19. Athletic trainers, as provided under part XIII of
2 chapter 468.
- 3 20. The Board of Orthotists and Prosthetists, created
4 under part XIV of chapter 468.
- 5 21. Electrolysis, as provided under chapter 478.
- 6 22. The Board of Massage Therapy, created under
7 chapter 480.
- 8 23. The Board of Clinical Laboratory Personnel,
9 created under part III of chapter 483.
- 10 24. Medical physicists, as provided under part IV of
11 chapter 483.
- 12 25. The Board of Opticianry, created under part I of
13 chapter 484.
- 14 26. The Board of Hearing Aid Specialists, created
15 under part II of chapter 484.
- 16 27. The Board of Physical Therapy Practice, created
17 under chapter 486.
- 18 28. The Board of Psychology, created under chapter
19 490.
- 20 29. School psychologists, as provided under chapter
21 490.
- 22 30. The Board of Clinical Social Work, Marriage and
23 Family Therapy, and Mental Health Counseling, created under
24 chapter 491.
- 25 (h) Division of Children's Medical Services Prevention
26 and Intervention.
- 27 (i) Division of Information Resource Management.
- 28 (j) Division of Health Awareness and Tobacco.
- 29
- 30 The department may contract with the Agency for Health Care
31 Administration who shall provide consumer complaint,

1 investigative, and prosecutorial services required by the
2 Division of Medical Quality Assurance, councils, or boards, as
3 appropriate.

4 (7) To protect and improve the public health, the
5 department may use state or federal funds to:

6 (a) Provide incentives, including, but not limited to,
7 the promotional items listed in paragraph (b) of this
8 subsection, food and food coupons, and ~~or~~ payment for travel
9 expenses, for encouraging healthy lifestyle and disease
10 prevention behaviors and patient compliance with medical
11 treatment, such as tuberculosis therapy and smoking cessation
12 programs. Such incentives shall be intended to cause an
13 individual to take action to improve his or her health. Any
14 incentive for food, food coupons, or travel expenses shall not
15 exceed the limitations in s. 112.061.

16 (b) Plan and conduct health education campaigns for
17 the purpose of protecting or improving public health. The
18 department may purchase promotional items, such as, but not
19 limited to, T-shirts, hats, sports items such as water bottles
20 and sweat bands, calendars, nutritional charts, baby bibs,
21 growth charts, and other items printed with health promotion
22 messages, and advertising, such as space on billboards or in
23 publications or radio or television time, for health
24 information and promotional messages that recognize that the
25 following behaviors, among others, are detrimental to public
26 health: unprotected sexual intercourse, other than with one's
27 spouse; cigarette and cigar smoking, use of smokeless tobacco
28 products, and exposure to environmental tobacco smoke; alcohol
29 consumption or other substance abuse during pregnancy; alcohol
30 abuse or other substance abuse; lack of exercise and poor diet
31 and nutrition habits; and failure to recognize and address a

1 genetic tendency to suffer from sickle-cell anemia, diabetes,
 2 high blood pressure, cardiovascular disease, or cancer. For
 3 purposes of activities under this paragraph, the Department of
 4 Health may establish requirements for local matching funds or
 5 in-kind contributions to create and distribute advertisements,
 6 in either print or electronic format, which are concerned with
 7 each of the targeted behaviors, establish an independent
 8 evaluation and feedback system for the public health
 9 communication campaign, and monitor and evaluate the efforts
 10 to determine which of the techniques and methodologies are
 11 most effective.

12 Section 2. Section 39.303, Florida Statutes, 1998
 13 Supplement, is amended to read:

14 39.303 Child protection teams; services; eligible
 15 cases.--~~The Division of Children's Medical Services of the~~
 16 Department of Health shall develop, maintain, and coordinate
 17 the services of one or more multidisciplinary child protection
 18 teams in each of the service districts of the Department of
 19 Children and Family Services. Such teams may be composed of
 20 representatives of appropriate health, mental health, social
 21 service, legal service, and law enforcement agencies. The
 22 Legislature finds that optimal coordination of child
 23 protection teams and sexual abuse treatment programs requires
 24 collaboration between the Department of Health and the
 25 Department of Children and Family Services. The two
 26 departments shall maintain an interagency agreement that
 27 establishes protocols for oversight and operations of child
 28 protection teams and sexual abuse treatment programs. The
 29 Secretary of Health and the Director of ~~Deputy Secretary for~~
 30 Children's Medical Services, in consultation with the
 31 Secretary of Children and Family Services, shall maintain the

1 responsibility for the screening, employment, and, if
2 necessary, the termination of child protection team medical
3 directors, at headquarters and in the 15 districts. Child
4 protection team medical directors shall be responsible for
5 oversight of the teams in the districts.

6 (1) The Department of Health shall utilize and convene
7 the teams to supplement the assessment and protective
8 supervision activities of the family safety and preservation
9 program of the Department of Children and Family Services.

10 Nothing in this section shall be construed to remove or reduce
11 the duty and responsibility of any person to report pursuant
12 to this chapter all suspected or actual cases of child abuse,
13 abandonment, or neglect or sexual abuse of a child. The role
14 of the teams shall be to support activities of the program and
15 to provide services deemed by the teams to be necessary and
16 appropriate to abused, abandoned, and neglected children upon
17 referral. The specialized diagnostic assessment, evaluation,
18 coordination, consultation, and other supportive services that
19 a child protection team shall be capable of providing include,
20 but are not limited to, the following:

21 (a) Medical diagnosis and evaluation services,
22 including provision or interpretation of X rays and laboratory
23 tests, and related services, as needed, and documentation of
24 findings relative thereto.

25 (b) Telephone consultation services in emergencies and
26 in other situations.

27 (c) Medical evaluation related to abuse, abandonment,
28 or neglect, as defined by policy or rule of the Department of
29 Health.

30 (d) Such psychological and psychiatric diagnosis and
31 evaluation services for the child or the child's parent or

1 parents, legal custodian or custodians, or other caregivers,
2 or any other individual involved in a child abuse,
3 abandonment, or neglect case, as the team may determine to be
4 needed.

5 (e) Expert medical, psychological, and related
6 professional testimony in court cases.

7 (f) Case staffings to develop treatment plans for
8 children whose cases have been referred to the team. A child
9 protection team may provide consultation with respect to a
10 child who is alleged or is shown to be abused, abandoned, or
11 neglected, which consultation shall be provided at the request
12 of a representative of the family safety and preservation
13 program or at the request of any other professional involved
14 with a child or the child's parent or parents, legal custodian
15 or custodians, or other caregivers. In every such child
16 protection team case staffing, consultation, or staff activity
17 involving a child, a family safety and preservation program
18 representative shall attend and participate.

19 (g) Case service coordination and assistance,
20 including the location of services available from other public
21 and private agencies in the community.

22 (h) Such training services for program and other
23 employees of the Department of Children and Family Services,
24 employees of the Department of Health, and other medical
25 professionals as is deemed appropriate to enable them to
26 develop and maintain their professional skills and abilities
27 in handling child abuse, abandonment, and neglect cases.

28 (i) Educational and community awareness campaigns on
29 child abuse, abandonment, and neglect in an effort to enable
30 citizens more successfully to prevent, identify, and treat
31 child abuse, abandonment, and neglect in the community.

1 (2) The child abuse, abandonment, and neglect cases
2 that are appropriate for referral by the family safety and
3 preservation program to child protection teams of the
4 Department of Health for support services as set forth in
5 subsection (1) include, but are not limited to, cases
6 involving:

7 (a) Bruises, burns, or fractures in a child under the
8 age of 3 years or in a nonambulatory child of any age.

9 (b) Unexplained or implausibly explained bruises,
10 burns, fractures, or other injuries in a child of any age.

11 (c) Sexual abuse of a child in which vaginal or anal
12 penetration is alleged or in which other unlawful sexual
13 conduct has been determined to have occurred.

14 (d) Venereal disease, or any other sexually
15 transmitted disease, in a prepubescent child.

16 (e) Reported malnutrition of a child and failure of a
17 child to thrive.

18 (f) Reported medical, physical, or emotional neglect
19 of a child.

20 (g) Any family in which one or more children have been
21 pronounced dead on arrival at a hospital or other health care
22 facility, or have been injured and later died, as a result of
23 suspected abuse, abandonment, or neglect, when any sibling or
24 other child remains in the home.

25 (h) Symptoms of serious emotional problems in a child
26 when emotional or other abuse, abandonment, or neglect is
27 suspected.

28 (3) In all instances in which a child protection team
29 is providing certain services to abused, abandoned, or
30 neglected children, other offices and units of the Department
31 of Health, and offices and units of the Department of Children

1 and Family Services, shall avoid duplicating the provision of
2 those services.

3 Section 3. Paragraphs (l), (p), and (s) of subsection
4 (2) of section 110.205, Florida Statutes, are amended to read:
5 110.205 Career service; exemptions.--

6 (2) EXEMPT POSITIONS.--The exempt positions which are
7 not covered by this part include the following, provided that
8 no position, except for positions established for a limited
9 period of time pursuant to paragraph (h), shall be exempted if
10 the position reports to a position in the career service:

11 (1) All assistant division director, deputy division
12 director, and bureau chief positions in any department, and
13 those positions determined by the department to have
14 managerial responsibilities comparable to such positions,
15 which positions include, but are not limited to, positions in
16 the Department of Health, the Department of Children and
17 Family Services, ~~and Rehabilitative Services~~ and the
18 Department of Corrections that are assigned primary duties of
19 serving as the superintendent of an institution; positions in
20 the Department of Transportation that are assigned primary
21 duties of serving as regional toll managers and managers of
22 offices as defined in s. 20.23(3)(d)3. and (4)(d); positions
23 in the Department of Environmental Protection that are
24 assigned the duty of an Environmental Administrator or program
25 administrator; and positions in the Department of Health ~~and~~
26 ~~Rehabilitative Services~~ that are assigned the duties ~~duty~~ of
27 ~~an~~ Environmental Administrator, Assistant County Health
28 Department Director, and County Health Department Financial
29 Administrator. Unless otherwise fixed by law, the department
30 shall set the salary and benefits of these positions in
31

1 accordance with the rules established for the Selected Exempt
2 Service.

3 (p) The staff directors, assistant staff directors,
4 district program managers, district program coordinators,
5 district subdistrict administrators, district administrative
6 services directors, district attorneys, ~~county health~~
7 ~~department directors, county health department administrators,~~
8 and the Deputy Director of Central Operations Services of the
9 Department of Children and Family Services and the county
10 health department directors and county health department
11 administrators of the Department of Health and Rehabilitative
12 ~~Services~~. Unless otherwise fixed by law, the department shall
13 establish the salary range and benefits for these positions in
14 accordance with the rules of the Selected Exempt Service.

15 (s) The executive director of each board or commission
16 established within the Department of Business and Professional
17 Regulation and the Department of Health. Unless otherwise
18 fixed by law, the department shall establish the salary and
19 benefits for these positions in accordance with the rules
20 established for the Selected Exempt Service.

21 Section 4. Subsection (15) of section 120.80, Florida
22 Statutes, 1998 Supplement, is amended to read:

23 120.80 Exceptions and special requirements;
24 agencies.--

25 (15) DEPARTMENT OF HEALTH.--Notwithstanding s.
26 120.57(1)(a), formal hearings may not be conducted by the
27 Secretary of Health, the director of the Agency for Health
28 Care Administration, or a board or member of a board within
29 the Department of Health or the Agency for Health Care
30 Administration for matters relating to the regulation of
31 professions, as defined by part II of chapter 455.

1 Notwithstanding s. 120.57(1)(a), hearings conducted within the
2 Department of Health in the execution of the Special
3 Supplemental Nutrition Program for Women, Infants, and
4 Children; Child Care Food Program; Children's Medical Services
5 program; and the exemption from disqualification reviews for
6 the certified nursing assistants program need not be conducted
7 by an administrative law judge assigned by the division. The
8 Department of Health may contract with the Department of
9 Children and Family Services for a hearing officer in these
10 matters.

11 Section 5. Subsection (1) of section 154.504, Florida
12 Statutes, 1998 Supplement, is amended to read:

13 154.504 Eligibility and benefits.--

14 (1) Any county or counties may apply for a primary
15 care for children and families challenge grant to provide
16 primary health care services to children and families with
17 incomes of up to 150 percent of the federal poverty level.
18 Participants shall pay no monthly premium for participation,
19 but shall be required to pay a copayment at the time a service
20 is provided. Copayments may be paid from sources other than
21 the participant, including, but not limited to, the child's or
22 parent's employer, or other private sources. Providers may
23 enter into contracts pursuant to ~~As used in s. 766.1115,~~
24 provided that copayments ~~the term "copayment"~~ may not be
25 considered and may not be used as compensation for services to
26 health care providers, ~~and~~ all funds generated from copayments
27 shall be used by the governmental contractor, and all other
28 provisions in s. 766.1115 are met.

29 Section 6. Subsection (3) is added to section 287.155,
30 Florida Statutes, to read:

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1 287.155 Motor vehicles; purchase by Division of
2 Universities, Department of Health and Rehabilitative
3 Services, Department of Juvenile Justice, and Department of
4 Corrections.--

5 (3) The Department of Health is authorized, subject to
6 the approval of the Department of Management Services, to
7 purchase automobiles, trucks, and other automotive equipment
8 for use by county health departments.

9 Section 7. Subsection (3) of section 372.6672, Florida
10 Statutes, 1998 Supplement, is amended to read:

11 372.6672 Alligator management and trapping program
12 implementation; commission authority.--

13 (3) The powers and duties of the commission hereunder
14 shall not be construed so as to supersede the regulatory
15 authority or lawful responsibility of ~~the Department of Health~~
16 ~~and Rehabilitative Services~~, the Department of Agriculture and
17 Consumer Services, or any local governmental entity regarding
18 the processing or handling of food products, but shall be
19 deemed supplemental thereto.

20 Section 8. Section 381.0022, Florida Statutes, 1998
21 Supplement, is amended to read:

22 381.0022 Sharing confidential or exempt information.--

23 (1) Notwithstanding any other provision of law to the
24 contrary, the Department of Health and the Department of
25 Children and Family Services may share confidential
26 information or information exempt from disclosure under
27 chapter 119 on any individual who is or has been the subject
28 of a program within the jurisdiction of each agency.
29 Information so exchanged remains confidential or exempt as
30 provided by law.

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1 (2) Notwithstanding any other provision of law to the
2 contrary, the Department of Health may share confidential
3 information or information exempt from disclosure under
4 chapter 119 on any individual who is or has been a Medicaid
5 recipient and is or was the subject of a program within the
6 jurisdiction of the Department of Health for the purpose of
7 requesting, receiving, or auditing payment for services.
8 Information so exchanged remains confidential or exempt as
9 provided by law.

10 Section 9. Paragraphs (d) and (h) of subsection (3) of
11 section 381.004, Florida Statutes, 1998 Supplement, are
12 amended to read:

13 381.004 Testing for human immunodeficiency virus.--

14 (3) HUMAN IMMUNODEFICIENCY VIRUS TESTING; INFORMED
15 CONSENT; RESULTS; COUNSELING; CONFIDENTIALITY.--

16 (d) No test result shall be determined as positive,
17 and no positive test result shall be revealed to any person,
18 without corroborating or confirmatory tests being conducted
19 except in the following situations:

20 1. Preliminary test results may be released to
21 licensed physicians or the medical or nonmedical personnel
22 subject to the significant exposure for purposes of
23 subparagraphs (h)10., 11., and 12.

24 2. Preliminary test results may be released to health
25 care providers and to the person tested when decisions about
26 medical care or treatment ~~of the person tested~~ cannot await
27 the results of confirmatory testing. Positive preliminary HIV
28 test results shall not be characterized to the patient as a
29 diagnosis of HIV infection. Justification for the use of
30 preliminary test results must be documented in the medical
31 record by the health care provider who ordered the test. This

1 subparagraph does not authorize the release of preliminary
2 test results for the purpose of routine identification of
3 HIV-infected individuals or when HIV testing is incidental to
4 the preliminary diagnosis or care of a patient. Corroborating
5 or confirmatory testing must be conducted as followup to a
6 positive preliminary test. Results shall be communicated to
7 the patient according to statute regardless of the outcome.
8 Except as provided in this section, test results are
9 confidential and exempt from the provisions of s. 119.07(1).

10 (h) Notwithstanding the provisions of paragraph (a),
11 informed consent is not required:

12 1. When testing for sexually transmissible diseases is
13 required by state or federal law, or by rule including the
14 following situations:

15 a. HIV testing pursuant to s. 796.08 of persons
16 convicted of prostitution or of procuring another to commit
17 prostitution.

18 b. Testing for HIV by a medical examiner in accordance
19 with s. 406.11.

20 2. Those exceptions provided for blood, plasma,
21 organs, skin, semen, or other human tissue pursuant to s.
22 381.0041.

23 3. For the performance of an HIV-related test by
24 licensed medical personnel in bona fide medical emergencies
25 when the test results are necessary for medical diagnostic
26 purposes to provide appropriate emergency care or treatment to
27 the person being tested and the patient is unable to consent,
28 as supported by documentation in the medical record.

29 Notification of test results in accordance with paragraph (c)
30 is required.

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1 4. For the performance of an HIV-related test by
2 licensed medical personnel for medical diagnosis of acute
3 illness where, in the opinion of the attending physician,
4 obtaining informed consent would be detrimental to the
5 patient, as supported by documentation in the medical record,
6 and the test results are necessary for medical diagnostic
7 purposes to provide appropriate care or treatment to the
8 person being tested. Notification of test results in
9 accordance with paragraph (c) is required if it would not be
10 detrimental to the patient. This subparagraph does not
11 authorize the routine testing of patients for HIV infection
12 without informed consent.

13 5. When HIV testing is performed as part of an autopsy
14 for which consent was obtained pursuant to s. 872.04.

15 6. For the performance of an HIV test upon a defendant
16 pursuant to the victim's request in a prosecution for any type
17 of sexual battery where a blood sample is taken from the
18 defendant voluntarily, pursuant to court order for any
19 purpose, or pursuant to the provisions of s. 775.0877, s.
20 951.27, or s. 960.003; however, the results of any HIV test
21 performed shall be disclosed solely to the victim and the
22 defendant, except as provided in ss. 775.0877, 951.27, and
23 960.003.

24 7. When an HIV test is mandated by court order.

25 8. For epidemiological research pursuant to s.
26 381.0032, for research consistent with institutional review
27 boards created by 45 C.F.R. part 46, or for the performance of
28 an HIV-related test for the purpose of research, if the
29 testing is performed in a manner by which the identity of the
30 test subject is not known and may not be retrieved by the
31 researcher.

1 9. When human tissue is collected lawfully without the
2 consent of the donor for corneal removal as authorized by s.
3 732.9185 or enucleation of the eyes as authorized by s.
4 732.919.

5 10. For the performance of an HIV test upon an
6 individual who comes into contact with medical personnel in
7 such a way that a significant exposure has occurred during the
8 course of employment or within the scope of practice and where
9 a blood sample is available that was taken from that
10 individual voluntarily by medical personnel for other
11 purposes. "Medical personnel" includes a licensed or
12 certified health care professional; an employee of a health
13 care professional, health care facility, or blood bank; and a
14 paramedic or emergency medical technician as defined in s.
15 401.23.

16 a. Prior to performance of an HIV test on a
17 voluntarily obtained blood sample, the individual from whom
18 the blood was obtained shall be requested to consent to the
19 performance of the test and to the release of the results.
20 The individual's refusal to consent and all information
21 concerning the performance of an HIV test and any HIV test
22 result shall be documented only in the medical personnel's
23 record unless the individual gives written consent to entering
24 this information on the individual's medical record.

25 b. Reasonable attempts to locate the individual and to
26 obtain consent shall be made and all attempts must be
27 documented. If the individual cannot be found, an HIV test may
28 be conducted on the available blood sample. If the individual
29 does not voluntarily consent to the performance of an HIV
30 test, the individual shall be informed that an HIV test will
31 be performed, and counseling shall be furnished as provided in

1 this section. However, HIV testing shall be conducted only
2 after a licensed physician documents, in the medical record of
3 the medical personnel, that there has been a significant
4 exposure and that, in the physician's medical judgment, the
5 information is medically necessary to determine the course of
6 treatment for the medical personnel.

7 c. Costs of any HIV test of a blood sample performed
8 with or without the consent of the individual, as provided in
9 this subparagraph, shall be borne by the medical personnel or
10 the employer of the medical personnel. However, costs of
11 testing or treatment not directly related to the initial HIV
12 tests or costs of subsequent testing or treatment shall not be
13 borne by the medical personnel or the employer of the medical
14 personnel.

15 d. In order to utilize the provisions of this
16 subparagraph, the medical personnel must either be tested for
17 HIV pursuant to this section or provide the results of an HIV
18 test taken within 6 months prior to the significant exposure
19 if such test results are negative.

20 e. A person who receives the results of an HIV test
21 pursuant to this subparagraph shall maintain the
22 confidentiality of the information received and of the persons
23 tested. Such confidential information is exempt from s.
24 119.07(1).

25 f. If the source of the exposure will not voluntarily
26 submit to HIV testing and a blood sample is not available, the
27 medical personnel or the employer of such person acting on
28 behalf of the employee may seek a court order directing the
29 source of the exposure to submit to HIV testing. A sworn
30 statement by a physician licensed under chapter 458 or chapter
31 459 that a significant exposure has occurred and that, in the

1 physician's medical judgment, testing is medically necessary
 2 to determine the course of treatment constitutes probable
 3 cause for the issuance of an order by the court. The results
 4 of the test shall be released to the source of the exposure
 5 and to the person who experienced the exposure.

6 11. For the performance of an HIV test upon an
 7 individual who comes into contact with medical personnel in
 8 such a way that a significant exposure has occurred during the
 9 course of employment or within the scope of practice of the
 10 medical personnel while the medical personnel provides
 11 emergency medical treatment to the individual; or who comes
 12 into contact with nonmedical personnel in such a way that a
 13 significant exposure has occurred while the nonmedical
 14 personnel provides emergency medical assistance during a
 15 medical emergency. For the purposes of this subparagraph, a
 16 medical emergency means an emergency medical condition outside
 17 of a hospital or health care facility that provides physician
 18 care. The test may be performed only during the course of
 19 treatment for the medical emergency.

20 a. An individual who is capable of providing consent
 21 shall be requested to consent to an HIV test prior to the
 22 testing. The individual's refusal to consent, and all
 23 information concerning the performance of an HIV test and its
 24 result, shall be documented only in the medical personnel's
 25 record unless the individual gives written consent to entering
 26 this information on the individual's medical record.

27 b. HIV testing shall be conducted only after a
 28 licensed physician documents, in the medical record of the
 29 medical personnel or nonmedical personnel, that there has been
 30 a significant exposure and that, in the physician's medical
 31 judgment, the information is medically necessary to determine

1 the course of treatment for the medical personnel or
2 nonmedical personnel.

3 c. Costs of any HIV test performed with or without the
4 consent of the individual, as provided in this subparagraph,
5 shall be borne by the medical personnel or the employer of the
6 medical personnel or nonmedical personnel. However, costs of
7 testing or treatment not directly related to the initial HIV
8 tests or costs of subsequent testing or treatment shall not be
9 borne by the medical personnel or the employer of the medical
10 personnel or nonmedical personnel.

11 d. In order to utilize the provisions of this
12 subparagraph, the medical personnel or nonmedical personnel
13 shall be tested for HIV pursuant to this section or shall
14 provide the results of an HIV test taken within 6 months prior
15 to the significant exposure if such test results are negative.

16 e. A person who receives the results of an HIV test
17 pursuant to this subparagraph shall maintain the
18 confidentiality of the information received and of the persons
19 tested. Such confidential information is exempt from s.
20 119.07(1).

21 f. If the source of the exposure will not voluntarily
22 submit to HIV testing and a blood sample was not obtained
23 during treatment for the medical emergency, the medical
24 personnel, the employer of the medical personnel acting on
25 behalf of the employee, or the nonmedical personnel may seek a
26 court order directing the source of the exposure to submit to
27 HIV testing. A sworn statement by a physician licensed under
28 chapter 458 or chapter 459 that a significant exposure has
29 occurred and that, in the physician's medical judgment,
30 testing is medically necessary to determine the course of
31 treatment constitutes probable cause for the issuance of an

1 order by the court. The results of the test shall be released
2 to the source of the exposure and to the person who
3 experienced the exposure.

4 12. For the performance of an HIV test by the medical
5 examiner or attending physician upon an ~~a deceased~~ individual
6 ~~who is the source of a significant exposure to medical~~
7 ~~personnel or nonmedical personnel who provided emergency~~
8 ~~medical assistance and who expired or could not be~~
9 ~~resuscitated while receiving during treatment for the medical~~
10 emergency medical assistance or care and who was the source of
11 a significant exposure to medical or nonmedical personnel
12 providing such assistance or care.

13 a. HIV testing shall be conducted only after a
14 licensed physician documents in the medical record of the
15 medical personnel or nonmedical personnel that there has been
16 a significant exposure and that, in the physician's medical
17 judgment, the information is medically necessary to determine
18 the course of treatment for the medical or nonmedical
19 personnel.

20 b. Costs of any HIV test performed pursuant to this
21 subparagraph shall not be charged to the deceased or to the
22 deceased person's family.

23 c. For the provisions of this subparagraph to be
24 applicable, the medical personnel or nonmedical personnel
25 shall be tested for HIV pursuant to this section or shall
26 provide the results of an HIV test taken within 6 months prior
27 to the significant exposure if such test results are negative.

28 d. A person who receives the results of an HIV test
29 pursuant to this subparagraph shall comply with paragraph (e).

30 13. For the performance of an HIV-related test
31 medically indicated by licensed medical personnel for medical

1 diagnosis of a hospitalized infant as necessary to provide
2 appropriate care and treatment of the infant when, after a
3 reasonable attempt, a parent cannot be contacted to provide
4 consent. The medical records of the infant shall reflect the
5 reason consent of the parent was not initially obtained. Test
6 results shall be provided to the parent when the parent is
7 located.

8 14. For the performance of HIV testing conducted to
9 monitor the clinical progress of a patient previously
10 diagnosed to be HIV positive.

11 15. For the performance of repeated HIV testing
12 conducted to monitor possible conversion from a significant
13 exposure.

14 Section 10. Subsection (7) is added to section
15 381.0051, Florida Statutes, to read:

16 381.0051 Family planning.--

17 (7) The department may adopt rules pursuant to ss.
18 120.54 and 120.536(1) to implement this section.

19 Section 11. Subsection (16) is added to section
20 381.006, Florida Statutes, 1998 Supplement, to read:

21 381.006 Environmental health.--The department shall
22 conduct an environmental health program as part of fulfilling
23 the state's public health mission. The purpose of this program
24 is to detect and prevent disease caused by natural and manmade
25 factors in the environment. The environmental health program
26 shall include, but not be limited to:

27 (16) A group care facilities function, where "group
28 care facility" is defined as any public or private school,
29 housing, building or buildings, section of a building, or
30 distinct part of a building, or other place, whether operated
31 for profit or not, which undertakes, through its ownership or

1 management, to provide one or more personal services, care,
2 protection, and supervision to persons who require such
3 services and who are not related to the owner or
4 administrator. The department may adopt rules necessary to
5 protect the health and safety of residents, staff, and patrons
6 of group care facilities, such as child care facilities,
7 family day care homes, assisted living facilities, adult day
8 care centers, adult family-care homes, hospice, residential
9 treatment facilities, crisis stabilization units, pediatric
10 extended care centers, intermediate care facilities for the
11 developmentally disabled, group care homes, and, jointly with
12 the Department of Education, private and public schools. These
13 rules may include provisions relating to operation and
14 maintenance of facilities, buildings, grounds, equipment, and
15 furnishings; occupant space requirements; lighting; heating,
16 cooling, and ventilation; water supply; plumbing; sewage;
17 sanitary facilities; insect and rodent control; garbage;
18 safety; personnel health, hygiene, and work practices; and
19 such other matters as the department finds to be appropriate
20 or necessary to protect the safety and health of the
21 residents, staff, or patrons. The department may not adopt
22 rules which conflict with rules adopted by the licensing or
23 certifying agency. The department may enter and inspect at
24 reasonable hours to determine compliance with applicable
25 statutes or rules. In addition to any sanctions which the
26 department may impose for violations of rules adopted under
27 this section, the department shall also report such violations
28 to any agency responsible for licensing or certifying the
29 group care facility. The licensing or certifying agency is
30 also authorized to impose any sanction based solely on the
31 findings of the department.

1
2 The department may adopt rules to carry out the provisions of
3 this section.

4 Section 12. Subsection (1) of section 381.0061,
5 Florida Statutes, is amended to read:

6 381.0061 Administrative fines.--

7 (1) In addition to any administrative action
8 authorized by chapter 120 or by other law, the department may
9 impose a fine, which shall not exceed \$500 for each violation,
10 for a violation of s. 381.006(16), s. 381.0065, s. 381.0066,
11 s. 381.0072, or part III of chapter 489, for a violation of
12 any rule adopted under this chapter, or for a violation of any
13 of the provisions of chapter 386. Notice of intent to impose
14 such fine shall be given by the department to the alleged
15 violator. Each day that a violation continues may constitute
16 a separate violation.

17 Section 13. Subsections (2), (3), (4), and (5) of
18 section 381.0062, Florida Statutes, 1998 Supplement, are
19 amended to read:

20 381.0062 Supervision; private and certain public water
21 systems.--

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

23 (a) "Contaminant" means any physical, biological,
24 chemical, or radiological substance or matter in water.

25 (b) "Department" means the Department of Health,
26 including the county health departments.

27 (c) "Florida Safe Drinking Water Act" means part VI of
28 chapter 403.

29 (d) "Health hazard" means any condition, contaminant,
30 device, or practice in a water system or its operation which
31

1 will create or has the potential to create an acute or chronic
2 threat to the health and well-being of the water consumer.

3 (e) "Limited use commercial public water system" means
4 a public water system not covered or included in the Florida
5 Safe Drinking Water Act, which serves one or more
6 nonresidential establishments and provides piped water.

7 (f) "Limited use community public water system" means
8 a public water system not covered or included in the Florida
9 Safe Drinking Water Act, which serves five or more ~~private~~
10 residences or two or more rental residences, and provides
11 piped water.

12 (g) "Maximum contaminant level" means the maximum
13 permissible level of a contaminant in potable water delivered
14 to consumers.

15 (h) "Multifamily water system" means a water system
16 that provides piped water for three to four residences, one of
17 which may be a rental residence.

18 (i)~~(h)~~ "Person" means an individual, public or private
19 corporation, company, association, partnership, municipality,
20 agency of the state, district, federal, or any other legal
21 entity, or its legal representative, agent, or assignee.

22 (j)~~(i)~~ "Potable water" means water that is
23 satisfactory for human consumption, dermal contact, culinary
24 purposes, or dishwashing as approved by the department.

25 (k)~~(j)~~ "Private water system" means a water system
26 that provides piped water for one or two residences, one of
27 which may be a rental residence, or for a church located more
28 than 200 feet from a water system covered under the Florida
29 Safe Drinking Water Act ~~no more than four nonrental~~
30 ~~residences.~~

31

1 ~~(l)(k)~~ "Public consumption" means oral ingestion or
 2 physical contact with water by a person for any purpose other
 3 than cleaning work areas or simple handwashing. Examples of
 4 public consumption include, when making food or beverages
 5 available to the general public, water used for washing food,
 6 cooking utensils, or food service areas and water used for
 7 preparing food or beverages; washing surfaces accessed by
 8 children as in a child care center or similar setting; washing
 9 medical instruments or surfaces accessed by a patient; any
 10 water usage in health care facilities; emergency washing
 11 devices such as eye washing sinks; washing in food processing
 12 plants or establishments like slaughterhouses and
 13 packinghouses; and water used in schools.

14 ~~(m)(l)~~ "Public water system" means a water system that
 15 is not included or covered under the Florida Safe Drinking
 16 Water Act, provides piped water to the public, and is not a
 17 private or multifamily water system. For purposes of this
 18 section, public water systems are classified as limited use
 19 community or limited use commercial.

20 ~~(n)(m)~~ "Supplier of water" means the person, company,
 21 or corporation that owns or operates a limited use community
 22 or limited use commercial public water system, a multifamily
 23 water system, or a private water system.

24 ~~(o)(n)~~ "Variance" means a sanction from the department
 25 affording a supplier of water an extended time to correct a
 26 maximum contaminant level violation caused by the raw water or
 27 to deviate from construction standards established by rule of
 28 the department.

29 (3) SUPERVISION.--The department and its agents shall
 30 have general supervision and control over all private water
 31 systems, multifamily water systems, and public water systems

1 not covered or included in the Florida Safe Drinking Water Act
2 (part VI of chapter 403), and over those aspects of the public
3 water supply program for which it has the duties and
4 responsibilities provided for in part VI of chapter 403. The
5 department shall:

6 (a) Administer and enforce the provisions of this
7 section and all rules and orders adopted or issued under this
8 section, including water quality and monitoring standards.

9 (b) Require any person wishing to construct, modify,
10 or operate a limited use community or limited use commercial
11 public water system or a multifamily ~~private~~ water system to
12 first make application to and obtain approval from the
13 department on forms adopted by rule of the department.

14 (c) Review and act upon any application for the
15 construction, modification, operation, or change of ownership
16 of, and conduct surveillance, enforcement, and compliance
17 investigations of, limited use community and limited use
18 commercial public water systems, and multifamily ~~private~~ water
19 systems.

20 (d) Require a fee from the supplier of water in an
21 amount sufficient to cover the costs of reviewing and acting
22 upon any application for the construction, modification, or
23 operation of a limited use community and limited use
24 commercial public water system, of not less than \$10 or more
25 than \$90 annually.

26 (e) Require a fee from the supplier of water in an
27 amount sufficient to cover the costs of reviewing and acting
28 upon any application for the construction or change of
29 ownership of a multifamily ~~private~~ water system ~~serving more~~
30 ~~than one residence~~, of not less than \$10 or more than \$90.

31

1 (f) Require a fee from the supplier of water in an
2 amount sufficient to cover the costs of sample collection,
3 review of analytical results, health-risk interpretations, and
4 coordination with other agencies when such work is not
5 included in paragraphs (b) and (c) and is requested by the
6 supplier of water, of not less than \$10 or more than \$90.

7 (g) Require suppliers of water to collect samples of
8 water, to submit such samples to a department-certified
9 drinking water laboratory for contaminant analysis, and to
10 keep sampling records as required by rule of the department.

11 (h) Require all fees collected by the department in
12 accordance with the provisions of this section to be deposited
13 in an appropriate trust fund of the department, and used
14 exclusively for the payment of costs incurred in the
15 administration of this section.

16 (i) Prohibit any supplier of water from, intentionally
17 or otherwise, introducing any contaminant which poses a health
18 hazard into a drinking water system.

19 (j) Require suppliers of water to give public notice
20 of water problems and corrective measures under the conditions
21 specified by rule of the department.

22 (k) Require a fee to cover the cost of reinspection of
23 any system regulated under this section, which may not be less
24 than \$25 or more than \$40.

25 (4) RIGHT OF ENTRY.--For purposes of this section,
26 department personnel may enter, at any reasonable time and if
27 they have reasonable cause to believe a violation of this
28 section is occurring or about to occur, upon any and all parts
29 of the premises of such limited use public and multifamily
30 ~~private~~ drinking water systems ~~serving more than one~~
31 ~~residence~~, to make an examination and investigation to

1 determine the sanitary and safety conditions of such systems.
2 Any person who interferes with, hinders, or opposes any
3 employee of the department in the discharge of his or her
4 duties pursuant to the provisions of this section is subject
5 to the penalties provided in s. 381.0025.

6 (5) ENFORCEMENT AND PENALTIES.--

7 (a) Any person who constructs, modifies, or operates a
8 limited use community or limited use commercial public water
9 system, a multifamily, or a private water system, without
10 first complying with the requirements of this section, who
11 operates a water system in violation of department order, or
12 who maintains or operates a water system after revocation of
13 the permit is guilty of a misdemeanor of the second degree,
14 punishable as provided in s. 775.082 or s. 775.083.

15 (b) This section and rules adopted pursuant to this
16 section may be enforced by injunction or restraining order
17 granted by a circuit court as provided in s. 381.0012(2).

18 (c) Additional remedies available to county health
19 department staff through any county or municipal ordinance may
20 be applied, over and above the penalties set forth in this
21 section, to any violation of this section or the rules adopted
22 pursuant to this section.

23 Section 14. Subsection (3) of section 381.90, Florida
24 Statutes, is amended, paragraph (c) of subsection (7) is
25 redesignated as paragraph (d), and a new paragraph (c) is
26 added to said subsection, to read:

27 381.90 Health Information Systems Council; legislative
28 intent; creation, appointment, duties.--

29 (3) The council shall be composed of the following
30 members or their senior executive-level designees:

31 (a) The secretary of the Department of Health;

1 (b) The secretary of the Department of Business and
2 Professional Regulation;

3 (c) The secretary of the Department of Children and
4 Family Services;

5 (d) The director of the Agency for Health Care
6 Administration;

7 (e) The secretary of the Department of Corrections;

8 (f) The Attorney General;

9 (g) The executive director of the Correctional Medical
10 Authority;

11 (h) Two members representing county health
12 departments, one from a small county and one from a large
13 county, appointed by the Governor; ~~and~~

14 (i) A representative from the Florida Association of
15 Counties; ~~-~~

16 (j) The State Treasurer/Insurance Commissioner;

17 (k) A representative from the Florida Healthy Kids
18 Corporation;

19 (l) A representative from a school of public health
20 chosen by the Board of Regents;

21 (m) The Commissioner of Education;

22 (n) The secretary of the Department of Elderly
23 Affairs; and

24 (o) The secretary of the Department of Juvenile
25 Justice.

26
27 Representatives of the Federal Government may serve without
28 voting rights.

29 (7) The council's duties and responsibilities include,
30 but are not limited to, the following:

31

1 (c) To develop a review process to ensure cooperative
2 planning among agencies that collect or maintain
3 health-related data. The council shall submit a report on the
4 implementation of this requirement to the Executive Office of
5 the Governor, the Speaker of the House of Representatives, and
6 the President of the Senate by January 1, 2000.

7 Section 15. Subsection (10) of section 382.003,
8 Florida Statutes, is amended, and subsection (11) is added to
9 said section, to read:

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

12 (10) Adopt, promulgate, and enforce rules necessary
13 for the creation, issuance, recording, ~~rescinding,~~
14 maintenance, and processing of vital records and for carrying
15 out the provisions of ss. 382.004-382.014 and ss.
16 382.016-382.019.

17 (11) By rule, require that forms, documents, and
18 information submitted to the department in anticipation of the
19 creation or amendment of a vital record be under oath.

20 Section 16. Subsection (3) of section 382.004, Florida
21 Statutes, is amended to read:

22 382.004 Reproduction and destruction of records.--

23 (3) Photographs, microphotographs, or reproductions of
24 any record in the form of film, prints, or electronically
25 produced certifications made in compliance with the provisions
26 of this chapter and certified by the department shall have the
27 same force and effect as the originals thereof, shall be
28 treated as originals for the purpose of their admissibility ~~in~~
29 ~~any court or case~~, and shall be prima facie evidence ~~in all~~
30 ~~courts and cases~~ of the facts stated therein.

1 Section 17. Subsection (1) of section 382.008, Florida
2 Statutes, 1998 Supplement, is amended to read:

3 382.008 Death and fetal death registration.--

4 (1) A certificate for each death and fetal death which
5 occurs in this state shall be filed on a form prescribed by
6 the department with the local registrar of the district in
7 which the death occurred within 5 days after such death and
8 prior to final disposition, and shall be registered by such
9 registrar if it has been completed and filed in accordance
10 with this chapter or adopted rules. The certificate shall
11 include the decedent's social security number, if available.
12 ~~Disclosure of social security numbers obtained through this~~
13 ~~requirement shall be limited to the purpose of administration~~
14 ~~of the Title IV-D program for child support enforcement and as~~
15 ~~otherwise provided by law.~~In addition, each certificate of
16 death or fetal death:

17 (a) If requested by the informant, shall include
18 aliases or "also known as" (AKA) names of a decedent in
19 addition to the decedent's name of record. Aliases shall be
20 entered on the face of the death certificate in the space
21 provided for name if there is sufficient space. If there is
22 not sufficient space, aliases may be recorded on the back of
23 the certificate and shall be considered part of the official
24 record of death;

25 (b) If the place of death is unknown, shall be
26 registered in the registration district in which the dead body
27 or fetus is found within 5 days after such occurrence; and

28 (c) If death occurs in a moving conveyance, shall be
29 registered in the registration district in which the dead body
30 was first removed from such conveyance.

31

1 Section 18. Section 382.013, Florida Statutes, 1998
2 Supplement, is amended to read:

3 382.013 Birth registration.--A certificate for each
4 live birth that occurs in this state shall be filed within 5
5 days after such birth with the local registrar of the district
6 in which the birth occurred and shall be registered by the
7 local registrar if the certificate has been completed and
8 filed in accordance with this chapter and adopted rules. The
9 information regarding registered births shall be used for
10 comparison with information in the state case registry, as
11 defined in chapter 61.

12 (1) FILING.--

13 (a) If a birth occurs in a hospital, birth center, or
14 other health care facility, or en route thereto, the person in
15 charge of the facility shall be responsible for preparing the
16 certificate, certifying the facts of the birth, and filing the
17 certificate with the local registrar. Within 48 hours after
18 the birth, the physician, midwife, or person in attendance
19 during or immediately after the delivery shall provide the
20 facility with the medical information required by the birth
21 certificate.

22 (b) If a birth occurs outside a facility and a Florida
23 licensed physician, certified nurse midwife, Florida licensed
24 midwife, or a public health nurse employed by the department
25 was in attendance during or immediately after the delivery,
26 then such individual shall prepare and file the certificate.

27 ~~and the child is not taken to the facility within 3 days after~~
28 ~~delivery, the certificate shall be prepared and filed by one~~
29 ~~of the following persons in the indicated order of priority:~~

30 1. ~~The physician or midwife in attendance during or~~
31 ~~immediately after the birth.~~

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

4 ~~3. In the absence of persons described in subparagraph~~
5 ~~2., the father or mother.~~

6 ~~4. In the absence of the father and the inability of~~
7 ~~the mother, the person in charge of the premises where the~~
8 ~~birth occurred.~~

9 (c) If a birth occurs outside a facility and the
10 delivery is not attended by one of the individuals described
11 in paragraph (b), then the person in attendance or the mother
12 or the father shall report the birth to the registrar and
13 provide proof of the facts of birth. The department may
14 require that such documents be presented and such proof be
15 filed as it deems necessary and sufficient to establish the
16 truth of the facts to be recorded by the certificate and may
17 withhold registering the birth until its requirements are met.

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

23 ~~(e)(d)~~ The mother or the father ~~At least one of the~~
24 ~~parents~~ of the child shall attest to the accuracy of the
25 personal data entered on the certificate in time to permit the
26 timely registration of the certificate.

27 ~~(f)(e)~~ If a certificate of live birth is incomplete,
28 the local registrar shall immediately notify the health care
29 facility or person filing the certificate and shall require
30 the completion of the missing items of information if they can
31

1 be obtained prior to issuing certified copies of the birth
2 certificate.

3 ~~(g)(f)~~ Regardless of any plan to place a child for
4 adoption after birth, the information on the birth certificate
5 as required by this section must be as to the child's birth
6 parents unless and until an application for a new birth record
7 is made under s. 63.152.

8 (2) PATERNITY.--

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

13 (b) Notwithstanding paragraph (a), if the husband of
14 the mother dies while the mother is pregnant but before the
15 birth of the child, the name of the deceased husband shall be
16 entered on the birth certificate as the father of the child,
17 unless paternity has been determined otherwise by a court of
18 competent jurisdiction.

19 (c) If the mother is not married at the time of birth,
20 the name of the father may not be entered on the birth
21 certificate without the execution of a consenting affidavit
22 signed by both the mother and the person to be named as the
23 father. After giving notice orally or through the use of
24 video or audio equipment, and in writing, of the alternatives
25 to, the legal consequences of, and the rights, including, if
26 one parent is a minor, any rights afforded due to minority
27 status, and responsibilities that arise from signing an
28 acknowledgment of paternity, the facility shall provide the
29 mother and the person to be named as the father with the
30 affidavit, as well as information provided by the Title IV-D
31 agency established pursuant to s. 409.2557, regarding the

1 benefits of voluntary establishment of paternity. Upon request
2 of the mother and the person to be named as the father, the
3 facility shall assist in the execution of the affidavit.

4 (d) If the paternity of the child is determined by a
5 court of competent jurisdiction as provided under s. 382.015,
6 the name of the father and the surname of the child shall be
7 entered on the certificate in accordance with the finding and
8 order of the court. If the court fails to specify a surname
9 for the child, the surname shall be entered in accordance with
10 subsection (3).

11 (e) If the father is not named on the certificate, no
12 other information about the father shall be entered on the
13 certificate.

14 (3) NAME OF CHILD.--

15 (a) If the mother is married at the time of birth, the
16 mother and father whose names are entered on the birth
17 certificate shall select the given names and surname of the
18 child if both parents have custody of the child, otherwise the
19 parent who has custody shall select the child's name.

20 (b) If the mother and father whose names are entered
21 on the birth certificate disagree on the surname of the child
22 and both parents have custody of the child, the surname
23 selected by the father and the surname selected by the mother
24 shall both be entered on the birth certificate, separated by a
25 hyphen, with the selected names entered in alphabetical order.
26 If the parents disagree on the selection of a given name, the
27 given name may not be entered on the certificate until a joint
28 agreement that lists the agreed upon given name and is
29 notarized by both parents is submitted to the department, or
30 until a given name is selected by a court.

31

1 (c) If the mother is not married at the time of birth,
2 the parent who will have custody of the child shall select the
3 child's given name and surname.

4 (d) If multiple names of the child exceed the space
5 provided on the face of the birth certificate they shall be
6 listed on the back of the certificate. Names listed on the
7 back of the certificate shall be part of the official record.

8 (4) UNDETERMINED PARENTAGE.--The person having custody
9 of a child of undetermined parentage shall register a birth
10 certificate shall be registered for every child of
11 undetermined parentage showing all known or approximate facts
12 relating to the birth. To assist in later determination,
13 information concerning the place and circumstances under which
14 the child was found shall be included on the portion of the
15 birth certificate relating to marital status and medical
16 details. In the event the child is later identified to ~~the~~
17 ~~satisfaction of~~ the department, a new birth certificate shall
18 be prepared which shall bear the same number as the original
19 birth certificate, and the original certificate shall be
20 sealed and filed, shall be confidential and exempt from the
21 provisions of s. 119.07(1), and shall not be opened to
22 inspection by, nor shall certified copies of the same be
23 issued except by court order to, any person other than the
24 registrant if of legal age.

25 (5) DISCLOSURE.--The original certificate of live
26 birth shall contain all the information required by the
27 department for legal, social, and health research purposes.
28 However, all information concerning parentage, marital status,
29 and medical details shall be confidential and exempt from the
30 provisions of s. 119.07(1), except for health research

31

1 purposes as approved by the department, nor shall copies of
2 the same be issued except as provided in s. 382.025.

3 Section 19. Section 382.015, Florida Statutes, is
4 amended to read:

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

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

17 (a) Upon receipt of the report or certified copy of an
18 adoption decree, together with the information necessary to
19 identify the original certificate of live birth, and establish
20 a new certificate, the department shall prepare and file a new
21 birth certificate, absent objection by the court decreeing the
22 adoption, the adoptive parents, or the adoptee if of legal
23 age. The certificate shall bear the same file number as the
24 original birth certificate. All names and identifying
25 information relating to the adoptive parents entered on the
26 new certificate shall refer to the adoptive parents, but
27 nothing in the certificate shall refer to or designate the
28 parents as being adoptive. All other items not affected by
29 adoption shall be copied as on the original certificate,
30 including the date of registration and filing.

31

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

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

16 (2) DETERMINATION OF PATERNITY.--

17 ~~(a)~~ Upon receipt of the report or a certified copy of
18 a final decree of determination of paternity, ~~or upon written~~
19 ~~request and receipt of a consenting affidavit signed by both~~
20 ~~parents acknowledging the paternity of the registrant,~~
21 together with sufficient information to identify the original
22 certificate of live birth, the department shall prepare and
23 file a new birth certificate which shall bear the same file
24 number as the original birth certificate. ~~If paternity has~~
25 ~~been established pursuant to court order,~~The registrant's
26 name shall be entered as decreed by the court. ~~Otherwise, the~~
27 ~~surname of the registrant may be changed from that shown on~~
28 ~~the original birth certificate at the request of the parents~~
29 ~~or the registrant if of legal age.~~The names and identifying
30 information of the parents shall be entered as of the date of
31 the registrant's birth.

1 ~~(b) If the parents marry each other at any time after~~
2 ~~the registrant's birth, the department shall, upon request of~~
3 ~~the parents or registrant if of legal age and proof of the~~
4 ~~marriage, amend the certificate with regard to the parent's~~
5 ~~marital status as though the parents were married at the time~~
6 ~~of birth.~~

7 ~~(c) If a father's name is already listed on the birth~~
8 ~~certificate, the birth certificate may only be amended to add~~
9 ~~a different father's name upon court order. If a change in~~
10 ~~the registrant's surname is also desired, such change must be~~
11 ~~included in the court order determining paternity or the name~~
12 ~~must be changed pursuant to s. 68.07.~~

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

23 (4) SUBSTITUTION OF NEW CERTIFICATE OF BIRTH FOR
24 ORIGINAL.--When a new certificate of birth is prepared, the
25 department shall substitute the new certificate of birth for
26 the original certificate on file. All copies of the original
27 certificate of live birth in the custody of a local registrar
28 or other state custodian of vital records shall be forwarded
29 to the State Registrar. Thereafter, when a certified copy of
30 the certificate of birth of such person or portion thereof is
31 issued, it shall be a copy of the new certificate of birth or

1 portion thereof, except when a court order requires issuance
2 of a certified copy of the original certificate of birth. In
3 an adoption, change in paternity, affirmation of parental
4 status, undetermined parentage, or court-ordered substitution,
5 the department shall place the original certificate of birth
6 and all papers pertaining thereto under seal, not to be broken
7 except by order of a court of competent jurisdiction or as
8 otherwise provided by law.

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

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

19 Section 20. Subsections (3), (4), and (5) are added to
20 section 382.016, Florida Statutes, to read:

21 382.016 Amendment of records.--

22 (3) Upon written request and receipt of an affidavit
23 signed by the mother and father acknowledging the paternity of
24 a registrant born out of wedlock, together with sufficient
25 information to identify the original certificate of live
26 birth, the department shall prepare a new birth certificate
27 which shall bear the same file number as the original birth
28 certificate. The names and identifying information of the
29 parents shall be entered as of the date of the registrant's
30 birth. The surname of the registrant may be changed from that
31 shown on the original birth certificate at the request of the

1 mother and father of the registrant or the registrant if of
2 legal age. If the mother and father marry each other at any
3 time after the registrant's birth, the department shall, upon
4 request of the mother and father or registrant if of legal age
5 and proof of the marriage, amend the certificate with regard
6 to the parents' marital status as though the parents were
7 married at the time of birth.

8 (4) When a new certificate of birth is prepared
9 pursuant to subsection (3), the department shall substitute
10 the new certificate of birth for the original certificate on
11 file. All copies of the original certificate of live birth in
12 the custody of a local registrar or other state custodian of
13 vital records shall be forwarded to the State Registrar.
14 Thereafter, when a certified copy of the certificate of birth
15 or portion thereof is issued, it shall be a copy of the new
16 certificate of birth or portion thereof, except when a court
17 order requires issuance of a certified copy of the original
18 certificate of birth. The department shall place the original
19 certificate of birth and all papers pertaining thereto under
20 seal, not to be broken except by order of a court of competent
21 jurisdiction or as otherwise provided by law.

22 (5) If a father's name is listed on the birth
23 certificate, the birth certificate may only be amended to
24 remove the father's name or to add a different father's name
25 upon court order. If a change in the registrant's surname is
26 also desired, such change must be included in the court order
27 or the name must be changed pursuant to s. 68.07.

28 Section 21. Subsection (1) of section 382.019, Florida
29 Statutes, is amended, and subsection (8) is added to said
30 section, to read:
31

1 382.019 Delayed registration; administrative
2 procedures.--

3 (1) Registration after 1 year is a delayed
4 registration, and the department may, upon receipt of an
5 application and the fee required under s. 382.0255, and proof
6 of the birth, death, or fetal death as prescribed by this
7 section or rule, register a delayed certificate if the
8 department does not already have a certificate of the birth,
9 death, or fetal death on file.

10 (8) In addition to the rulemaking authority found in
11 s. 382.003(10), the department may, by rule, provide for the
12 dismissal of an application which is not pursued within 1
13 year.

14 Section 22. Subsections (1) and (2) of section
15 382.025, Florida Statutes, are amended to read:

16 382.025 Certified copies of vital records;
17 confidentiality; research.--

18 (1) BIRTH RECORDS.--Except for birth records over 100
19 years old and not under seal pursuant to court order, all
20 birth records of this state shall be confidential and are
21 exempt from the provisions of s. 119.07(1).

22 (a) Certified copies of the original birth certificate
23 or a new or amended certificate, or affidavits thereof, are
24 confidential and exempt from the provisions of s. 119.07(1)
25 and, upon receipt of a request and payment of the fee
26 prescribed in s. 382.0255, shall be issued only as authorized
27 by the department and in the form prescribed by the
28 department, and only:

- 29 1. To the registrant, if of legal age;
30 2. To the registrant's parent or guardian or other
31 legal representative;

1 3. Upon receipt of the registrant's death certificate,
2 to the registrant's spouse or to the registrant's child,
3 grandchild, or sibling, if of legal age, or to the legal
4 representative of any of such persons;

5 4. To any person if the birth record is over 100 years
6 old and not under seal pursuant to court order;

7 5. To a law enforcement agency for official purposes;

8 6. To any agency of the state or the United States for
9 official purposes upon approval of the department; or

10 7. Upon order of any court of competent jurisdiction.

11 (b) To protect the integrity of vital records and
12 prevent the fraudulent use of the birth certificates of
13 deceased persons, the department shall match birth and death
14 certificates and post the fact of death to the appropriate
15 birth certificate. Except for a commemorative birth
16 certificate, any ~~A~~ certification of a birth certificate of a
17 deceased registrant shall be marked "deceased." In the case of
18 a commemorative birth certificate, such indication of death
19 shall be made on the back of the certificate.

20 (c) The department shall issue, upon request and upon
21 payment of an additional fee as prescribed under s. 382.0255,
22 a commemorative birth certificate representing that the birth
23 of the person named thereon is recorded in the office of the
24 registrar. The certificate issued under this paragraph shall
25 be in a form consistent with the need to protect the integrity
26 of vital records but shall be suitable for display. It may
27 bear the seal of the state printed thereon and may be signed
28 by the Governor.

29 (2) OTHER RECORDS.--

30 (a) The department shall authorize the issuance of a
31 certified copy of all or part of any marriage, dissolution of

1 marriage, or death or fetal death certificate, excluding that
2 portion which is confidential and exempt from the provisions
3 of s. 119.07(1) as provided under s. 382.008, to any person
4 requesting it upon receipt of a request and payment of the fee
5 prescribed by this section. A certification of the death or
6 fetal death certificate which includes the confidential
7 portions shall be issued only:

8 1. To the registrant's spouse or parent, or to the
9 registrant's child, grandchild, or sibling, if of legal age,
10 or to any person ~~family member~~ who provides a will which has
11 been executed pursuant to s. 732.502, insurance policy, or
12 other document that demonstrates his or her ~~the family~~
13 ~~member's~~ interest in the estate of the registrant, or to any
14 person who provides documentation that he or she is acting on
15 behalf of any of them;

16 2. To any agency of the state or local government or
17 the United States for official purposes upon approval of the
18 department; or

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

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

23 (c) The department shall issue, upon request and upon
24 payment of an additional fee prescribed by this section, a
25 commemorative marriage license representing that the marriage
26 of the persons named thereon is recorded in the office of the
27 registrar. The certificate issued under this paragraph shall
28 be in a form consistent with the need to protect the integrity
29 of vital records but shall be suitable for display. It may
30 bear the seal of the state printed thereon and may be signed
31 by the Governor.

1 Section 23. Subsection (2) of section 382.0255,
2 Florida Statutes, is amended to read:

3 382.0255 Fees.--

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

14 Section 24. Paragraph (c) of subsection (2) of section
15 383.011, Florida Statutes, 1998 Supplement, is amended to
16 read:

17 383.011 Administration of maternal and child health
18 programs.--

19 (2) The Department of Health shall follow federal
20 requirements and may adopt any rules necessary for the
21 implementation of the maternal and child health care program,
22 the WIC program, and the Child Care Food Program.

23 (c) With respect to the Child Care Food Program, the
24 department shall adopt rules that interpret and implement
25 relevant federal regulations, including 7 C.F.R. part 226. The
26 rules may ~~must~~ address ~~at least~~ those program requirements and
27 procedures identified in paragraph (1)(i).

28 Section 25. Paragraph (e) of subsection (3) of section
29 383.14, Florida Statutes, is amended to read:

30
31

1 383.14 Screening for metabolic disorders, other
2 hereditary and congenital disorders, and environmental risk
3 factors.--

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

7 (e) Supply the necessary dietary treatment products
8 where practicable for diagnosed cases of phenylketonuria and
9 other metabolic diseases for as long as medically indicated
10 when the products are not otherwise available. Provide
11 nutrition education and supplemental foods to those families
12 eligible for the Special Supplemental Nutrition ~~Food~~ Program
13 for Women, Infants, and Children as provided in s. 383.011.

14
15 All provisions of this subsection must be coordinated with the
16 provisions and plans established under this chapter, chapter
17 411, and Pub. L. No. 99-457.

18 Section 26. Subsection (4) of section 385.202, Florida
19 Statutes, is amended to read:

20 385.202 Statewide cancer registry.--

21 (4) Funds appropriated for this section shall be used
22 for establishing, administering, compiling, processing, and
23 providing biometric and statistical analyses to the reporting
24 facilities. Funds may also be used to ensure the quality and
25 accuracy of the information reported and to provide management
26 information to the reporting facilities. ~~Such reporting~~
27 ~~hospitals shall be reimbursed for reasonable costs.~~

28 Section 27. Section 385.203, Florida Statutes, is
29 amended to read:

30 385.203 Diabetes Advisory Council; creation; function;
31 membership.--

1 (1) To guide a statewide comprehensive approach to
2 diabetes prevention, diagnosis, education, care, treatment,
3 impact, and costs thereof, there is created a Diabetes
4 Advisory Council that serves as the advisory unit to ~~the~~
5 ~~diabetes centers, the Board of Regents, and the Department of~~
6 ~~Health, other governmental agencies, professional and other~~
7 ~~organizations, and the general public.~~ The council shall:

8 (a) Provide statewide leadership to continuously
9 improve the lives of all Floridians with diabetes and reduce
10 the burden of diabetes.

11 (b) Serve as a forum for the discussion and study of
12 issues related to the public health approach for the delivery
13 of health care services to persons with diabetes.

14 ~~(b) Provide advice and consultation to the deans of~~
15 ~~the medical schools in which are located diabetes centers, and~~
16 ~~by June 30 of each year, the council shall submit written~~
17 ~~recommendations to the deans regarding the need for diabetes~~
18 ~~education, treatment, and research activities to promote the~~
19 ~~prevention and control of diabetes.~~

20 (c) By June 30 of each year, meet with the secretary
21 of the Department of Health or a ~~his or her~~ designee to make
22 specific recommendations regarding the public health aspects
23 of the prevention and control of diabetes.

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

30 (3) The council shall be composed of 25 ~~18~~ citizens of
31 the state who have knowledge of or work in the area of

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

9 (a) Five interested citizens, three of whom are
10 affected by diabetes.

11 (b) Twenty members representing nursing with diabetes
12 educator certification; dietetics with diabetes educator
13 certification; podiatry; ophthalmology/optometry; psychology;
14 pharmacy; adult endocrinology; pediatric endocrinology; the
15 American Diabetes Association; the Juvenile Diabetes
16 Foundation; community health centers; county health
17 departments; American Diabetes Association-recognized
18 community education programs; each Florida medical school; the
19 insurance industry; Children's Medical Services diabetes
20 regional programs; and employers.

21 (c) One or more representatives from the Department of
22 Health shall serve on the council as ex officio members.

23 (4)(a) The council shall annually elect from its
24 members a chair and vice chair ~~a secretary~~. The council shall
25 meet at the chair's discretion; however, at least three
26 meetings shall be held each year.

27 (b) In conducting its meetings, the council shall use
28 accepted rules of procedure. A majority of the members of the
29 council constitutes a quorum, and action by a majority of a
30 quorum is necessary for the council to take any official
31 action. The Department of Health ~~secretary~~ shall keep a

1 complete record of the proceedings of each meeting. The
2 record shall show the names of the members present and the
3 actions taken. The records shall be kept on file with the
4 department, and these and other documents about matters within
5 the jurisdiction of the council may be inspected by members of
6 the council.

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

11 (6) The department shall serve as an intermediary for
12 the council if the council coordinates, applies for, or
13 accepts any grants, funds, gifts, or services made available
14 to it by any agency or department of the Federal Government,
15 or any private agency or individual, for assistance in the
16 operation of the council ~~or the diabetes centers established~~
17 ~~in the various medical schools.~~

18 Section 28. Subsection (8) of section 391.021, Florida
19 Statutes, 1998 Supplement, is amended to read:

20 391.021 Definitions.--When used in this act, unless
21 the context clearly indicates otherwise:

22 (8) "Program" means the Children's Medical Services
23 program established in the ~~Division of Children's Medical~~
24 ~~Services of the~~ department.

25 Section 29. Section 391.028, Florida Statutes, 1998
26 Supplement, is amended to read:

27 391.028 Administration.--The Children's Medical
28 Services program shall have a central office and area offices.

29 (1) The Director of ~~the Division of~~ Children's Medical
30 Services must be a physician licensed under chapter 458 or
31 chapter 459 who has specialized training and experience in the

1 provision of health care to children and who has recognized
2 skills in leadership and the promotion of children's health
3 programs. The ~~division~~ director shall be the deputy secretary
4 and the Deputy State Health Officer for Children's Medical
5 Services and is appointed by and reports to the secretary. The
6 director may appoint division directors subject to the
7 approval of the secretary.

8 (2) The ~~division~~ director shall designate Children's
9 Medical Services area offices to perform operational
10 activities, including, but not limited to:

11 (a) Providing case management services for the
12 network.

13 (b) Providing local oversight of the program.

14 (c) Determining an individual's medical and financial
15 eligibility for the program.

16 (d) Participating in the determination of a level of
17 care and medical complexity for long-term care services.

18 (e) Authorizing services in the program and developing
19 spending plans.

20 (f) Participating in the development of treatment
21 plans.

22 (g) Taking part in the resolution of complaints and
23 grievances from participants and health care providers.

24 (3) Each Children's Medical Services area office shall
25 be directed by a physician licensed under chapter 458 or
26 chapter 459 who has specialized training and experience in the
27 provision of health care to children. The director of a
28 Children's Medical Services area office shall be appointed by
29 the ~~division~~ director from the active panel of Children's
30 Medical Services physician consultants.

31

1 Section 30. Section 391.0315, Florida Statutes, 1998
2 Supplement, is amended to read:

3 391.0315 Benefits.--Benefits provided under the
4 program for children with special health care needs shall be
5 the same benefits provided to children as specified in ss.
6 409.905 and 409.906. The department may offer additional
7 benefits for early intervention services, respite services,
8 genetic testing, genetic and nutritional counseling, and
9 parent support services, if such services are determined to be
10 medically necessary. No child or person determined eligible
11 for the program who is eligible under Title XIX or Title XXI
12 of the Social Security Act shall receive any service other
13 than an initial health care screening or treatment of an
14 emergency medical condition as defined in s. 395.002, until
15 such child or person is enrolled in Medicaid or a Title XXI
16 program.

17 Section 31. Paragraph (b) of subsection (1) of section
18 391.221, Florida Statutes, 1998 Supplement, is amended to
19 read:

20 391.221 Statewide Children's Medical Services Network
21 Advisory Council.--

22 (1) The secretary of the department may appoint a
23 Statewide Children's Medical Services Network Advisory Council
24 for the purpose of acting as an advisory body to the
25 department. Specifically, the duties of the council shall
26 include, but not be limited to:

27 (b) Making recommendations to the director of ~~the~~
28 ~~Division of~~ Children's Medical Services concerning the
29 selection of health care providers for the Children's Medical
30 Services network.

31

1 Section 32. Subsection (1) of section 391.222, Florida
2 Statutes, 1998 Supplement, is amended to read:

3 391.222 Cardiac Advisory Council.--

4 (1) The secretary of the department may appoint a
5 Cardiac Advisory Council for the purpose of acting as the
6 advisory body to the Department of Health ~~Division of~~
7 ~~Children's Medical Services~~ in the delivery of cardiac
8 services to children. Specifically, the duties of the council
9 shall include, but not be limited to:

10 (a) Recommending standards for personnel and
11 facilities rendering cardiac services ~~for the Division of~~
12 ~~Children's Medical Services~~;

13 (b) Receiving reports of the periodic review of
14 cardiac personnel and facilities to determine if established
15 standards for the ~~Division of Children's Medical Services~~
16 cardiac services are met;

17 (c) Making recommendations to the ~~division~~ director as
18 to the approval or disapproval of reviewed personnel and
19 facilities;

20 (d) Making recommendations as to the intervals for
21 reinspection of approved personnel and facilities; and

22 (e) Providing input ~~to the Division of Children's~~
23 ~~Medical Services~~ on all aspects of Children's Medical Services
24 cardiac programs, including the rulemaking process.

25 Section 33. Section 391.223, Florida Statutes, 1998
26 Supplement, is amended to read:

27 391.223 Technical advisory panels.--The secretary of
28 the department may establish technical advisory panels to
29 assist ~~the Division of Children's Medical Services~~ in
30 developing specific policies and procedures for the Children's
31 Medical Services program.

1 Section 34. Subsection (3) of section 392.69, Florida
2 Statutes, is amended, and subsection (4) is added to said
3 section, to read:

4 392.69 Appropriation, sinking, and maintenance trust
5 funds; additional powers of the department.--

6 (3) In the execution of its public health program
7 functions, notwithstanding s. 216.292(5) (b), the department
8 is hereby authorized to use any sums of money which it may
9 heretofore have saved or which it may hereafter save from its
10 regular operating appropriation, or use any sums of money
11 acquired by gift or grant, or any sums of money it may acquire
12 by the issuance of revenue certificates of the hospital to
13 match or supplement any state or federal funds, or any moneys
14 received by said department by gift or otherwise, for the
15 construction or maintenance of additional facilities or
16 improvement to existing facilities, as the department deems
17 necessary.

18 (4) The department shall appoint an advisory board,
19 which shall meet quarterly to review and make recommendations
20 relating to patient care at A.G. Holley State Hospital.
21 Members shall be appointed for a term of 3 years, with such
22 appointments being staggered so that the terms of no more than
23 two members expire in any one year. Members shall serve
24 without remuneration, but may be reimbursed for per diem and
25 travel expenses as provided in s. 112.061.

26 Section 35. Subsection (36) is added to section
27 409.912, Florida Statutes, 1998 Supplement, to read:

28 409.912 Cost-effective purchasing of health care.--The
29 agency shall purchase goods and services for Medicaid
30 recipients in the most cost-effective manner consistent with
31 the delivery of quality medical care. The agency shall

1 maximize the use of prepaid per capita and prepaid aggregate
 2 fixed-sum basis services when appropriate and other
 3 alternative service delivery and reimbursement methodologies,
 4 including competitive bidding pursuant to s. 287.057, designed
 5 to facilitate the cost-effective purchase of a case-managed
 6 continuum of care. The agency shall also require providers to
 7 minimize the exposure of recipients to the need for acute
 8 inpatient, custodial, and other institutional care and the
 9 inappropriate or unnecessary use of high-cost services.

10 (36) The agency shall enter into agreements with
 11 not-for-profit organizations based in the state for the
 12 purpose of vision screening.

13 Section 36. Subsection (3) of section 409.9126,
 14 Florida Statutes, 1998 Supplement, is amended to read:

15 409.9126 Children with special health care needs.--

16 (3) Services provided through the Children's Medical
 17 Services network shall be reimbursed on a fee-for-service
 18 basis and shall utilize a primary care case management
 19 process. Starting July 1, 1999, the Florida Medicaid program
 20 shall phase in by geographical area capitation payments to
 21 Children's Medical Services for services provided to
 22 Medicaid-eligible children with special health care needs. By
 23 January 1, 2001, the Agency for Health Care Administration
 24 shall make capitation payments for Children's Medical Services
 25 enrollees statewide, to the extent permitted by federal law.
 26 ~~However, effective July 1, 1999, reimbursement to the~~
 27 ~~Children's Medical Services program for services provided to~~
 28 ~~Medicaid-eligible children with special health care needs~~
 29 ~~through the Children's Medical Services network shall be on a~~
 30 ~~capitated basis.~~

31

1 Section 37. Subsection (6) of section 455.564, Florida
2 Statutes, 1998 Supplement, is amended to read:

3 455.564 Department; general licensing provisions.--

4 (6) As a condition of renewal of a license, the Board
5 of Medicine, the Board of Osteopathic Medicine, the Board of
6 Chiropractic Medicine, and the Board of Podiatric Medicine
7 shall each require licensees which they respectively regulate
8 to periodically demonstrate their professional competency by
9 completing at least 40 hours of continuing education every 2
10 years, ~~which may include up to 1 hour of risk management or~~
11 ~~cost containment and up to 2 hours of other topics related to~~
12 ~~the applicable medical specialty, if required by board rule.~~

13 The boards may require by rule that up to 1 hour of the
14 required 40 or more hours be in the area of risk management or
15 cost containment. This provision shall not be construed to
16 limit the number of hours that a licensee may obtain in risk
17 management or cost containment to be credited towards
18 satisfying the 40 or more required hours. This provision shall
19 not be construed to require the boards to impose any
20 requirement on licensees other than the completion of at least
21 40 hours of continuing education every 2 years.Each of such
22 boards shall determine whether any specific continuing
23 education ~~course~~ requirements not otherwise mandated by law
24 shall be mandated and shall approve criteria for, and the
25 content of, any continuing education ~~course~~ mandated by such
26 board. Notwithstanding any other provision of law, the board,
27 or the department when there is no board, may approve by rule
28 alternative methods of obtaining continuing education credits
29 in risk management. The alternative methods may include
30 attending a board meeting at which another ~~a~~ licensee is
31 disciplined, serving as a volunteer expert witness for the

1 department in a disciplinary case, or serving as a member of a
2 probable cause panel following the expiration of a board
3 member's term. Other boards within the Division of Medical
4 Quality Assurance, or the department if there is no board, may
5 adopt rules granting continuing education hours in risk
6 management for attending a board meeting at which another
7 licensee is disciplined, serving as a volunteer expert witness
8 for the department in a disciplinary case, or serving as a
9 member of a probable cause panel following the expiration of a
10 board member's term.

11 Section 38. Subsection (8) is added to section
12 455.5651, Florida Statutes, 1998 Supplement, to read:

13 455.5651 Practitioner profile; creation.--

14 (8) The Department of Health shall not include
15 disciplinary action taken by a licensed hospital or an
16 ambulatory surgical center in the practitioner profile.

17 Section 39. Paragraph (a) of subsection (2) of section
18 465.019, Florida Statutes, 1998 Supplement, is amended to
19 read:

20 465.019 Institutional pharmacies; permits.--

21 (2) The following classes of institutional pharmacies
22 are established:

23 (a) "Class I institutional pharmacies" are those
24 institutional pharmacies in which all medicinal drugs are
25 administered from individual prescription containers to the
26 individual patient and in which medicinal drugs are not
27 dispensed on the premises, except that nursing homes licensed
28 under part II of chapter 400 may purchase medical oxygen for
29 administration to residents. No medicinal drugs may be
30 dispensed in a Class I institutional pharmacy.

31

1 Section 40. Section 468.304, Florida Statutes, 1998
2 Supplement, is amended to read:

3 468.304 Certification examination; admission.--The
4 department shall admit to examination for certification any
5 applicant who pays to the department a nonrefundable fee not
6 to exceed \$100 plus the actual per-applicant cost to the
7 department for the purchase of the examination from a national
8 organization and submits satisfactory evidence, verified by
9 oath or affirmation, that she or he:

10 (1) Is at least 18 years of age at the time of
11 application;

12 (2) Is a high school graduate or has successfully
13 completed the requirements for a graduate equivalency diploma
14 (GED) or its equivalent;

15 (3) Is of good moral character; and

16 (4)(a) Has successfully completed an educational
17 program, which program may be established in a hospital
18 licensed pursuant to chapter 395 or in an accredited
19 postsecondary academic institution which is subject to
20 approval by the department as maintaining a satisfactory
21 standard; or

22 (b)1. With respect to an applicant for a basic X-ray
23 machine operator's certificate, has completed a course of
24 study approved by the department with appropriate study
25 material provided the applicant by the department;

26 2. With respect to an applicant for a basic X-ray
27 machine operator-podiatric medicine certificate, has completed
28 a course of study approved by the department, provided that
29 such course of study shall be limited to that information
30 necessary to perform radiographic procedures within the scope
31

1 of practice of a podiatric physician licensed pursuant to
2 chapter 461;

3 3. With respect only to an applicant for a general
4 radiographer's certificate who is a basic X-ray machine
5 operator certificateholder, has completed an educational
6 program or a 2-year training program that takes into account
7 the types of procedures and level of supervision usually and
8 customarily practiced in a hospital, which educational or
9 training program complies with the rules of the department; or

10 4. With respect only to an applicant for a nuclear
11 medicine technologist's certificate who is a general
12 radiographer certificateholder, has completed an educational
13 program or a 2-year training program that takes into account
14 the types of procedures and level of supervision usually and
15 customarily practiced in a hospital, which educational or
16 training program complies with the rules of the department.

17

18 No application for a limited computed tomography certificate
19 shall be accepted. All persons holding valid computed
20 tomography certificates as of October 1, 1984, are subject to
21 the provisions of s. 468.309.

22 Section 41. Subsection (4) of section 468.306, Florida
23 Statutes, 1998 Supplement, is amended to read:

24 468.306 Examinations.--All applicants, except those
25 certified pursuant to s. 468.3065, shall be required to pass
26 an examination. The department is authorized to develop or
27 use examinations for each type of certificate.

28 (4) A nonrefundable fee not to exceed \$75 plus the
29 actual per-applicant cost to the department for the purchase
30 of the examination from a national organization shall be
31 charged for any subsequent examination.

1 Section 42. Paragraph (a) of subsection (1) of section
2 468.309, Florida Statutes, is amended to read:

3 468.309 Certificate; duration; renewal; reversion to
4 inactive status.--

5 (1)(a) A radiologic technologist's certificate issued
6 in accordance with this part ~~automatically~~ expires as
7 specified in rules adopted by the department establishing a
8 procedure for biennial renewal of certificates on December 31
9 of the year following the year of issuance. A certificate
10 shall be renewed by the department for a period of 2 years
11 upon payment of a renewal fee in an amount not to exceed \$75
12 and upon submission of a renewal application containing such
13 information as the department deems necessary to show that the
14 applicant for renewal is a radiologic technologist in good
15 standing and has completed any continuing education
16 requirements which may be established by the department.

17 Section 43. Subsections (14), (15), (16), (19), and
18 (22) of section 499.005, Florida Statutes, 1998 Supplement,
19 are amended, and subsection (24) is added to said section, to
20 read:

21 499.005 Prohibited acts.--It is unlawful to perform or
22 cause the performance of any of the following acts in this
23 state:

24 (14) The purchase or receipt of a legend drug from a
25 person that is not authorized under this chapter ~~the law of~~
26 ~~the state in which the person resides~~ to distribute legend
27 drugs.

28 (15) The sale or transfer of a legend drug to a person
29 that is not authorized under the law of the jurisdiction in
30 which the person receives the drug ~~resides~~ to purchase or
31 possess legend drugs.

1 (16) The purchase or receipt of a compressed medical
2 gas from a person that is not authorized under this chapter
3 ~~the law of the state in which the person resides~~ to distribute
4 compressed medical gases.

5 (19) Providing the department with false or fraudulent
6 records, or making false or fraudulent statements, regarding
7 any matter within the provisions of this chapter ~~a drug,~~
8 ~~device, or cosmetic.~~

9 (22) Failure to obtain a permit or registration, or
10 operating without a valid permit, when a permit or
11 registration is ~~as~~ required by ss. 499.001-499.081 for that
12 activity.

13 (24) The distribution of a legend device to the
14 patient or ultimate consumer without a prescription or order
15 from a practitioner licensed by law to use or prescribe the
16 device.

17 Section 44. Subsections (13) of section 499.007,
18 Florida Statutes, is amended to read:

19 499.007 Misbranded drug or device.--A drug or device
20 is misbranded:

21 (13) If it is a drug that is subject to paragraph
22 (12)(a), and if, at any time before it is dispensed, its label
23 fails to bear the statement:

24 (a) "Caution: Federal Law Prohibits Dispensing
25 Without Prescription"; "Rx Only" or the prescription symbol
26 followed by the word "Only";or

27 (b) "Caution: State Law Prohibits Dispensing Without
28 Prescription."

29
30 A drug dispensed by filling or refilling a written or oral
31 prescription of a practitioner licensed by law to prescribe

1 such drug is exempt from the requirements of this section,
2 except subsections (1), (8), (10), and (11) and the packaging
3 requirements of subsections (6) and (7), if the drug bears a
4 label that contains the name and address of the dispenser or
5 seller, the prescription number and the date the prescription
6 was written or filled, the name of the prescriber and the name
7 of the patient, and the directions for use and cautionary
8 statements. This exemption does not apply to any drug
9 dispensed in the course of the conduct of a business of
10 dispensing drugs pursuant to diagnosis by mail or to any drug
11 dispensed in violation of subsection (12). The department
12 may, by rule, exempt drugs subject to ss. 499.062-499.064 from
13 subsection (12) if compliance with that subsection is not
14 necessary to protect the public health, safety, and welfare.

15 Section 45. Subsection (15) of section 499.028,
16 Florida Statutes, is amended to read:

17 499.028 Drug samples or complimentary drugs; starter
18 packs; permits to distribute.--

19 (15) A person may not possess a prescription drug
20 sample unless:

21 (a) The drug sample was prescribed to her or him as
22 evidenced by the label required in s. 465.0276(5).

23 (b) She or he is the employee of a complimentary drug
24 distributor that holds a permit issued under ss.
25 499.001-499.081.

26 (c) She or he is a person to whom prescription drug
27 samples may be distributed pursuant to this section.

28 (d) She or he is an officer or employee of a federal,
29 state, or local government acting within the scope of
30 employment.

31

1 Section 46. Subsection (1) of section 499.069, Florida
2 Statutes, is amended to read:

3 499.069 Punishment for violations of s. 499.005;
4 dissemination of false advertisement.--

5 (1) Any person who violates any of the provisions of
6 s. 499.005 is guilty of a misdemeanor of the second degree,
7 punishable as provided in s. 775.082 or s. 775.083; but, if
8 the violation is committed after a conviction of such person
9 under this section has become final, such person is guilty of
10 a misdemeanor of the first degree, punishable as provided in
11 s. 775.082 or s. 775.083 or as otherwise provided in ss.
12 499.001-499.081, except that any person who violates
13 subsection (8), subsection (10), subsection (14), subsection
14 (15), ~~subsection (16)~~, or subsection (17) of s. 499.005 is
15 guilty of a felony of the third degree, punishable as provided
16 in s. 775.082, s. 775.083, or s. 775.084, or as otherwise
17 provided in ss. 499.001-499.081.

18 Section 47. Subsection (1) of section 742.10, Florida
19 Statutes, is amended to read:

20 742.10 Establishment of paternity for children born
21 out of wedlock.--

22 (1) This chapter provides the primary jurisdiction and
23 procedures for the determination of paternity for children
24 born out of wedlock. When the establishment of paternity has
25 been raised and determined within an adjudicatory hearing
26 brought under the statutes governing inheritance, or
27 dependency under workers' compensation or similar compensation
28 programs, or when an affidavit acknowledging paternity or a
29 stipulation of paternity is executed by both parties and filed
30 with the clerk of the court, or when a consenting affidavit as
31 provided for in s. 382.013 or s. 382.016 ~~s. 382.015~~ is

1 executed by both parties, it shall constitute the
 2 establishment of paternity for purposes of this chapter. If no
 3 adjudicatory proceeding was held, a voluntary acknowledgment
 4 of paternity shall create a rebuttable presumption, as defined
 5 by s. 90.304, of paternity and is subject to the right of any
 6 signatory to rescind the acknowledgment within 60 days of the
 7 date the acknowledgment was signed or the date of an
 8 administrative or judicial proceeding relating to the child,
 9 including a proceeding to establish a support order, in which
 10 the signatory is a party, whichever is earlier. Both parents
 11 are required to provide their social security numbers on any
 12 acknowledgment of paternity, consent affidavit, or stipulation
 13 of paternity. Except for consenting affidavits under seal
 14 pursuant to ~~ss.s-~~382.015 and 382.016, the Office of Vital
 15 Statistics shall provide certified copies of affidavits to the
 16 Title IV-D agency upon request.

17 Section 48. The building that is known as the 1911
 18 State Board of Health Building, which is part of a
 19 multibuilding complex with the address of 1217 Pearl Street,
 20 Jacksonville, Florida, shall be known as the Wilson T. Sowder,
 21 M.D., Building.

22 Section 49. The building authorized by chapter 98-307,
 23 Laws of Florida, that will be located at the University of
 24 South Florida, which will house laboratory facilities for the
 25 Department of Health, shall be known as the William G. "Doc"
 26 Myers, M.D., Building.

27 Section 50. The Department of Health headquarters
 28 building that will comprise approximately 100,000 square feet
 29 that is authorized by item 1986 in the 1998-1999
 30 Appropriations Act shall be known as the E. Charlton Prather,
 31 M.D., Building.

1 Section 51. The Department of Children and Family
2 Services and the Agency for Health Care Administration shall,
3 by October 1, 1999, develop a system to allow unborn children
4 of Medicaid-eligible mothers to be issued a Medicaid number
5 which shall be used for billing purposes and for monitoring of
6 care for the child beginning with the child's date of birth.

7 Section 52. Subsection (3) of section 381.731, Florida
8 Statutes, 1998 Supplement, as transferred from section
9 408.601, Florida Statutes, by chapter 98-224, Laws of Florida,
10 is repealed.

11 Section 53. Subsection (5) of section 383.307, Florida
12 Statutes, is repealed.

13 Section 54. Subsection (7) of section 404.20, Florida
14 Statutes, is repealed.

15 Section 55. Section 409.9125, Florida Statutes, is
16 repealed.

17 Section 56. The Department of Health may apply for and
18 become a National Environmental Laboratory Accreditation
19 program accrediting authority. The Department of Health, as an
20 accrediting entity, may adopt rules pursuant to ss. 120.536(1)
21 and 120.54, Florida Statutes, to implement standards of the
22 National Environmental Laboratory Accreditation Program,
23 including standards for proficiency testing providers, and
24 other rules not inconsistent with this section, including
25 fees, application procedures, standards applicable to
26 environmental or public water supply laboratories, and
27 compliance.

28 Section 57. This act shall take effect July 1, 1999.
29
30
31