

By Senator Clary

7-1379A-99

1                                   A bill to be entitled  
2           An act relating to the Department of Health;  
3           amending s. 20.43, F.S.; revising powers and  
4           the internal structure of the department;  
5           amending s. 110.205, F.S.; exempting certain  
6           positions from career service; amending s.  
7           120.80, F.S.; exempting certain hearings within  
8           the department from the requirement of being  
9           conducted by an administrative law judge from  
10          the Division of Administrative Hearings;  
11          amending s. 154.504, F.S.; revising standards  
12          for eligibility to participate in a primary  
13          care for children and families challenge grant;  
14          amending s. 287.155, F.S.; authorizing the  
15          department to purchase vehicles and automotive  
16          equipment for county health departments;  
17          amending s. 372.6672, F.S.; deleting an  
18          obsolete reference to the Department of Health  
19          and Rehabilitative Services; amending s.  
20          381.004, F.S.; prescribing conditions under  
21          which an HIV test may be performed without  
22          obtaining consent; amending s. 381.0051, F.S.;  
23          authorizing the Department of Health to adopt  
24          rules to implement the Comprehensive Family  
25          Planning Act; amending s. 381.0062, F.S.;  
26          redefining the term "private water system" and  
27          defining the term "multi-family water system";  
28          providing that either type of system may  
29          include a rental residence in its service;  
30          regulating multi-family systems; amending s.  
31          381.90, F.S.; revising membership of the Health

1 Information Systems Council; prescribing its  
2 duties with respect to developing a review  
3 process; requiring a report; amending s.  
4 382.003, F.S.; revising powers and duties of  
5 the department with respect to vital records;  
6 providing for forms and documents to be  
7 submitted under oath; amending s. 382.004,  
8 F.S.; restating the admissibility of copies of  
9 records; amending s. 382.008, F.S.; deleting  
10 provisions relating to restriction on  
11 disclosure of a decedent's social security  
12 number; amending s. 382.013, F.S.; revising  
13 provisions relating to who must file a birth  
14 registration; amending s. 382.015, F.S.;  
15 revising provisions relating to issuance of new  
16 birth certificates upon determination of  
17 paternity; amending s. 382.016, F.S.;  
18 prescribing procedures for amending records;  
19 amending s. 382.019, F.S.; providing for  
20 dismissal of an application for delayed  
21 registration which is not actively pursued;  
22 amending s. 382.025, F.S.; exempting certain  
23 birth records from confidentiality  
24 requirements; providing conditions on the  
25 issuance of other records; amending s.  
26 382.0255, F.S.; revising provisions relating to  
27 disposition of the additional fee imposed on  
28 certification of birth records; amending s.  
29 383.14, F.S.; conforming a reference to the  
30 name of a program; amending s. 385.202, F.S.;  
31 deleting provisions relating to reimbursing

1 hospitals reporting information for the  
2 statewide cancer registry; amending s. 391.028,  
3 F.S.; revising provisions relating to  
4 administration of the Children's Medical  
5 Services program; amending s. 391.0315, F.S.;  
6 revising standards for benefits provided under  
7 the program for certain children; amending s.  
8 392.69, F.S.; providing for an advisory board  
9 for the A. G. Holley State Hospital; amending  
10 s. 499.005, F.S.; revising the elements of  
11 certain offenses relating to purchase or  
12 receipt of legend drugs, recordkeeping with  
13 respect to drugs, cosmetics, and household  
14 products, and permit and registration  
15 requirements; amending s. 499.007, F.S.;  
16 revising conditions under which a drug is  
17 considered misbranded; amending s. 499.028,  
18 F.S.; providing an exemption from the  
19 prohibition against possession of a drug  
20 sample; amending s. 499.066, F.S.; providing  
21 conditions on issuance of cease and desist  
22 orders; amending s. 499.069, F.S.; providing  
23 penalties for certain violations of s. 499.005,  
24 F.S.; amending s. 742.10, F.S.; revising  
25 procedures relating to establishing paternity  
26 for children born out of wedlock; amending ss.  
27 39.303, 385.203, 391.021, 391.221, 391.222,  
28 391.223, F.S., to conform to the renaming of  
29 the Division of Children's Medical Services;  
30 amending s. 63.162, F.S.; revising requirements  
31 for release of the name and identity of an

1 adoptee, birth parent, or adoptive parent;  
2 repealing s. 381.731(3), F.S., relating to the  
3 date for submission of a report; repealing s.  
4 383.307(5), F.S., relating to licensure of  
5 birth center staff and consultants; repealing  
6 s. 404.20(7), F.S., relating to transportation  
7 of radioactive materials; repealing s.  
8 409.9125, F.S., relating to the study of  
9 Medicaid alternative networks; naming a certain  
10 building in Jacksonville the "Wilson T. Sowder,  
11 M.D., Building"; naming a certain building in  
12 Tampa the "William G. 'Doc' Myers, M.D.,  
13 Building"; naming the department headquarters  
14 building the "Charlton E. Prather, M.D.,  
15 Building"; providing an effective date.

16  
17 Be It Enacted by the Legislature of the State of Florida:

18  
19 Section 1. Paragraphs (e) and (f) of subsection (3)  
20 and paragraphs (a) and (b) of subsection (7) of section 20.43,  
21 Florida Statutes, 1998 Supplement, are amended, and paragraphs  
22 (h), (i), and (j) are added to subsection (3) of that section,  
23 to read:

24 20.43 Department of Health.--There is created a  
25 Department of Health.

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

28 (e) Division of Children's Medical Services Network.

29 (f) Division of Emergency Medical Services and  
30 Community Health Resources ~~Local Health Planning, Education,~~  
31 ~~and Workforce Development~~.

1           (h) Division of Children's Medical Services Prevention  
2 and Intervention.

3           (i) Division of Information Resource Management.

4           (j) Division of Health Awareness and Tobacco.

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

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

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

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

13 Section 2. Paragraphs (l), (p), and (s) of subsection  
14 (2) of section 110.205, Florida Statutes, are amended to read:

15 110.205 Career service; exemptions.--

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

21 (1) All assistant division director, deputy division  
22 director, and bureau chief positions in any department, and  
23 those positions determined by the department to have  
24 managerial responsibilities comparable to such positions,  
25 which positions include, but are not limited to, positions in  
26 the Department of Health, the Department of Children and  
27 Family Services, ~~and Rehabilitative Services~~ and the  
28 Department of Corrections that are assigned primary duties of  
29 serving as the superintendent of an institution: positions in  
30 the Department of Transportation that are assigned primary  
31 duties of serving as regional toll managers and managers of

1 offices as defined in s. 20.23(3)(d)3. and (4)(d); positions  
2 in the Department of Environmental Protection that are  
3 assigned the duty of an Environmental Administrator or program  
4 administrator; and positions in the Department of Health ~~and~~  
5 ~~Rehabilitative Services~~ that are assigned the duties ~~duty~~ of  
6 ~~an~~ Environmental Administrator, Assistant County Health  
7 Department Director, and County Health Department Financial  
8 Administrator. Unless otherwise fixed by law, the department  
9 shall set the salary and benefits of these positions in  
10 accordance with the rules established for the Selected Exempt  
11 Service.

12 (p) The staff directors, assistant staff directors,  
13 district program managers, district program coordinators,  
14 district subdistrict administrators, district administrative  
15 services directors, district attorneys, ~~county health~~  
16 ~~department directors, county health department administrators,~~  
17 and the Deputy Director of Central Operations Services of the  
18 Department of Children and Family Health and Rehabilitative  
19 Services and the county health department directors and county  
20 health department administrators of the Department of Health.  
21 Unless otherwise fixed by law, the departments ~~department~~  
22 shall establish the salary range and benefits for these  
23 positions in accordance with the rules of the Selected Exempt  
24 Service.

25 (s) The executive director of each board or commission  
26 established within the Department of Business and Professional  
27 Regulation or the Department of Health. Unless otherwise fixed  
28 by law, the department shall establish the salary and benefits  
29 for these positions in accordance with the rules established  
30 for the Selected Exempt Service.

31

1           Section 3. Subsection (15) of section 120.80, Florida  
2 Statutes, 1998 Supplement, is amended to read:

3           120.80 Exceptions and special requirements;  
4 agencies.--

5           (15) DEPARTMENT OF HEALTH.--Notwithstanding s.  
6 120.57(1)(a), formal hearings may not be conducted by the  
7 Secretary of Health, the director of the Agency for Health  
8 Care Administration, or a board or member of a board within  
9 the Department of Health or the Agency for Health Care  
10 Administration for matters relating to the regulation of  
11 professions, as defined by part II of chapter 455.  
12 Notwithstanding s. 120.57(1)(a), hearings conducted within the  
13 Department of Health in execution of the Special Supplemental  
14 Nutrition Program for Women, Infants and Children; Child Care  
15 Food Program; Children's Medical Services Program; and the  
16 exemption from disqualification reviews for certified nurse  
17 assistants program need not be conducted by an administrative  
18 law judge assigned by the division. The Department of Health  
19 may contract with the Department of Children and Family  
20 Services for a hearing officer in these matters.

21           Section 4. Subsection (1) of section 154.504, Florida  
22 Statutes, 1998 Supplement, is amended to read:

23           154.504 Eligibility and benefits.--

24           (1) Any county or counties may apply for a primary  
25 care for children and families challenge grant to provide  
26 primary health care services to children and families with  
27 incomes of up to 150 percent of the federal poverty level.  
28 Participants shall pay no monthly premium for participation,  
29 but shall be required to pay a copayment at the time a service  
30 is provided. Copayments may be paid from sources other than  
31 the participant, including, but not limited to, the child's or



1 parent's employer, or other private sources. Providers may  
2 enter into contracts pursuant to As used in s. 766.1115;  
3 provided copayments, the term "copayment" may not be  
4 considered and may not be used as compensation for services to  
5 health care providers, and all funds generated from copayments  
6 shall be used by the governmental contractor and all other  
7 provisions in s. 766.1115 are met.

8 Section 5. Subsection (3) is added to section 287.155,  
9 Florida Statutes, to read:

10 287.155 Motor vehicles; purchase by Division of  
11 Universities, Department of Health and Rehabilitative  
12 Services, Department of Juvenile Justice, and Department of  
13 Corrections.--

14 (3) The Department of Health is authorized, subject to  
15 the approval of the Department of Management Services, to  
16 purchase automobiles, trucks, and other automotive equipment  
17 for use by county health departments.

18 Section 6. Subsection (3) of section 372.6672, Florida  
19 Statutes, 1998 Supplement, is amended to read:

20 372.6672 Alligator management and trapping program  
21 implementation; commission authority.--

22 (3) The powers and duties of the commission hereunder  
23 shall not be construed so as to supersede the regulatory  
24 authority or lawful responsibility of the ~~Department of Health~~  
25 ~~and Rehabilitative Services,~~ the Department of Agriculture and  
26 Consumer Services, or any local governmental entity regarding  
27 the processing or handling of food products, but shall be  
28 deemed supplemental thereto.

29 Section 7. Paragraph (h) of subsection (3) of section  
30 381.004, Florida Statutes, 1998 Supplement, is amended to  
31 read:

1           381.004 Testing for human immunodeficiency virus.--

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

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

6           1. When testing for sexually transmissible diseases is  
7 required by state or federal law, or by rule including the  
8 following situations:

9           a. HIV testing pursuant to s. 796.08 of persons  
10 convicted of prostitution or of procuring another to commit  
11 prostitution.

12           b. Testing for HIV by a medical examiner in accordance  
13 with s. 406.11.

14           2. Those exceptions provided for blood, plasma,  
15 organs, skin, semen, or other human tissue pursuant to s.  
16 381.0041.

17           3. For the performance of an HIV-related test by  
18 licensed medical personnel in bona fide medical emergencies  
19 when the test results are necessary for medical diagnostic  
20 purposes to provide appropriate emergency care or treatment to  
21 the person being tested and the patient is unable to consent,  
22 as supported by documentation in the medical record.  
23 Notification of test results in accordance with paragraph (c)  
24 is required.

25           4. For the performance of an HIV-related test by  
26 licensed medical personnel for medical diagnosis of acute  
27 illness where, in the opinion of the attending physician,  
28 obtaining informed consent would be detrimental to the  
29 patient, as supported by documentation in the medical record,  
30 and the test results are necessary for medical diagnostic  
31 purposes to provide appropriate care or treatment to the

1 person being tested. Notification of test results in  
2 accordance with paragraph (c) is required if it would not be  
3 detrimental to the patient. This subparagraph does not  
4 authorize the routine testing of patients for HIV infection  
5 without informed consent.

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

8           6. For the performance of an HIV test upon a defendant  
9 pursuant to the victim's request in a prosecution for any type  
10 of sexual battery where a blood sample is taken from the  
11 defendant voluntarily, pursuant to court order for any  
12 purpose, or pursuant to the provisions of s. 775.0877, s.  
13 951.27, or s. 960.003; however, the results of any HIV test  
14 performed shall be disclosed solely to the victim and the  
15 defendant, except as provided in ss. 775.0877, 951.27, and  
16 960.003.

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

18           8. For epidemiological research pursuant to s.  
19 381.0032, for research consistent with institutional review  
20 boards created by 45 C.F.R. part 46, or for the performance of  
21 an HIV-related test for the purpose of research, if the  
22 testing is performed in a manner by which the identity of the  
23 test subject is not known and may not be retrieved by the  
24 researcher.

25           9. When human tissue is collected lawfully without the  
26 consent of the donor for corneal removal as authorized by s.  
27 732.9185 or enucleation of the eyes as authorized by s.  
28 732.919.

29           10. For the performance of an HIV test upon an  
30 individual who comes into contact with medical personnel in  
31 such a way that a significant exposure has occurred during the

1 course of employment or within the scope of practice and where  
2 a blood sample is available that was taken from that  
3 individual voluntarily by medical personnel for other  
4 purposes. "Medical personnel" includes a licensed or  
5 certified health care professional; an employee of a health  
6 care professional, health care facility, or blood bank; and a  
7 paramedic or emergency medical technician as defined in s.  
8 401.23.

9 a. Prior to performance of an HIV test on a  
10 voluntarily obtained blood sample, the individual from whom  
11 the blood was obtained shall be requested to consent to the  
12 performance of the test and to the release of the results.  
13 The individual's refusal to consent and all information  
14 concerning the performance of an HIV test and any HIV test  
15 result shall be documented only in the medical personnel's  
16 record unless the individual gives written consent to entering  
17 this information on the individual's medical record.

18 b. Reasonable attempts to locate the individual and to  
19 obtain consent shall be made and all attempts must be  
20 documented. If the individual cannot be found, an HIV test may  
21 be conducted on the available blood sample. If the individual  
22 does not voluntarily consent to the performance of an HIV  
23 test, the individual shall be informed that an HIV test will  
24 be performed, and counseling shall be furnished as provided in  
25 this section. However, HIV testing shall be conducted only  
26 after a licensed physician documents, in the medical record of  
27 the medical personnel, that there has been a significant  
28 exposure and that, in the physician's medical judgment, the  
29 information is medically necessary to determine the course of  
30 treatment for the medical personnel.

31

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

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

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

19           f. If the source of the exposure will not voluntarily  
20 submit to HIV testing and a blood sample is not available, the  
21 medical personnel or the employer of such person acting on  
22 behalf of the employee may seek a court order directing the  
23 source of the exposure to submit to HIV testing. A sworn  
24 statement by a physician licensed under chapter 458 or chapter  
25 459 that a significant exposure has occurred and that, in the  
26 physician's medical judgment, testing is medically necessary  
27 to determine the course of treatment constitutes probable  
28 cause for the issuance of an order by the court. The results  
29 of the test shall be released to the source of the exposure  
30 and to the person who experienced the exposure.

31

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

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

22           b. HIV testing shall be conducted only after a  
23 licensed physician documents, in the medical record of the  
24 medical personnel or nonmedical personnel, that there has been  
25 a significant exposure and that, in the physician's medical  
26 judgment, the information is medically necessary to determine  
27 the course of treatment for the medical personnel or  
28 nonmedical personnel.

29           c. Costs of any HIV test performed with or without the  
30 consent of the individual, as provided in this subparagraph,  
31 shall be borne by the medical personnel or the employer of the

1 medical personnel or nonmedical personnel. However, costs of  
2 testing or treatment not directly related to the initial HIV  
3 tests or costs of subsequent testing or treatment shall not be  
4 borne by the medical personnel or the employer of the medical  
5 personnel or nonmedical personnel.

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

11 e. A person who receives the results of an HIV test  
12 pursuant to this subparagraph shall maintain the  
13 confidentiality of the information received and of the persons  
14 tested. Such confidential information is exempt from s.  
15 119.07(1).

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

30 12. For the performance of an HIV test by the medical  
31 examiner or attending physician upon an ~~a deceased~~ individual

1 ~~who is the source of a significant exposure to medical~~  
2 ~~personnel or nonmedical personnel who provided emergency~~  
3 ~~medical assistance and who expired or could not be~~  
4 ~~resuscitated while receiving during treatment for the medical~~  
5 ~~emergency medical assistance or care and who was the source of~~  
6 ~~a significant exposure to medical or nonmedical personnel~~  
7 ~~providing such assistance or care.~~

8 a. HIV testing may be conducted only after a licensed  
9 physician documents in the medical record of the medical  
10 personnel or nonmedical personnel that there has been a  
11 significant exposure and that, in the physician's medical  
12 judgment, the information is medically necessary to determine  
13 the course of treatment for the medical personnel or  
14 nonmedical personnel.

15 b. Costs of any HIV test performed under this  
16 subparagraph may not be charged to the deceased or to the  
17 family of the deceased person.

18 c. For the provisions of this subparagraph to be  
19 applicable, the medical personnel or nonmedical personnel must  
20 be tested for HIV under this section or must provide the  
21 results of an HIV test taken within 6 months before the  
22 significant exposure if such test results are negative.

23 d. A person who receives the results of an HIV test  
24 pursuant to this subparagraph shall maintain the  
25 confidentiality of the information received and of the persons  
26 tested. Such confidential information is exempt from s.  
27 119.07(1).

28 13. For the performance of an HIV-related test  
29 medically indicated by licensed medical personnel for medical  
30 diagnosis of a hospitalized infant as necessary to provide  
31 appropriate care and treatment of the infant when, after a



1 reasonable attempt, a parent cannot be contacted to provide  
2 consent. The medical records of the infant shall reflect the  
3 reason consent of the parent was not initially obtained. Test  
4 results shall be provided to the parent when the parent is  
5 located.

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

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

12 Section 8. Subsection (7) is added to section  
13 381.0051, Florida Statutes, to read:

14 381.0051 Family planning.--

15 (7) RULES.--The Department of Health may adopt rules  
16 to implement this section.

17 Section 9. 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) "Multi-family water system" means a water system  
16 that provides piped water to three or 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 ~~no more than four~~  
27 ~~nonrental~~ residences, one of which may be a rental residence.

28 (l)~~(k)~~ "Public consumption" means oral ingestion or  
29 physical contact with water by a person for any purpose other  
30 than cleaning work areas or simple handwashing. Examples of  
31 public consumption include, when making food or beverages

1 available to the general public, water used for washing food,  
2 cooking utensils, or food service areas and water used for  
3 preparing food or beverages; washing surfaces accessed by  
4 children as in a child care center or similar setting; washing  
5 medical instruments or surfaces accessed by a patient; any  
6 water usage in health care facilities; emergency washing  
7 devices such as eye washing sinks; washing in food processing  
8 plants or establishments like slaughterhouses and  
9 packinghouses; and water used in schools.

10 (m)~~(l)~~ "Public water system" means a water system that  
11 is not included or covered under the Florida Safe Drinking  
12 Water Act, provides piped water to the public, and is not a  
13 private or multi-family water system. For purposes of this  
14 section, public water systems are classified as limited use  
15 community or limited use commercial.

16 (n)~~(m)~~ "Supplier of water" means the person, company,  
17 or corporation that owns or operates a limited use community  
18 or limited use commercial public water system, a multi-family  
19 water system, or a private water system.

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

25 (3) SUPERVISION.--The department and its agents shall  
26 have general supervision and control over all private water  
27 systems, multi-family water systems, and public water systems  
28 not covered or included in the Florida Safe Drinking Water Act  
29 (part VI of chapter 403), and over those aspects of the public  
30 water supply program for which it has the duties and

31

1 responsibilities provided for in part VI of chapter 403. The  
2 department shall:

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

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

11 (c) Review and act upon any application for the  
12 construction, modification, operation, or change of ownership  
13 of, and conduct surveillance, enforcement, and compliance  
14 investigations of, limited use community and limited use  
15 commercial public water systems, and multi-family ~~private~~  
16 water systems.

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

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

28 (f) Require a fee from the supplier of water in an  
29 amount sufficient to cover the costs of sample collection,  
30 review of analytical results, health-risk interpretations, and  
31 coordination with other agencies when such work is not

1 included in paragraphs (b) and (c) and is requested by the  
2 supplier of water, of not less than \$10 or more than \$90.

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

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

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

15 (j) Require suppliers of water to give public notice  
16 of water problems and corrective measures under the conditions  
17 specified by rule of the department.

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

21 (4) RIGHT OF ENTRY.--For purposes of this section,  
22 department personnel may enter, at any reasonable time and if  
23 they have reasonable cause to believe a violation of this  
24 section is occurring or about to occur, upon any and all parts  
25 of the premises of such limited use public and multi-family  
26 ~~private~~ drinking water systems ~~serving more than one~~  
27 ~~residence~~, to make an examination and investigation to  
28 determine the sanitary and safety conditions of such systems.  
29 Any person who interferes with, hinders, or opposes any  
30 employee of the department in the discharge of his or her  
31

1 duties pursuant to the provisions of this section is subject  
2 to the penalties provided in s. 381.0025.

3 (5) ENFORCEMENT AND PENALTIES.--

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

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

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

21 Section 10. Subsections (3) and (7) of section 381.90,  
22 Florida Statutes, are amended to read:

23 381.90 Health Information Systems Council; legislative  
24 intent; creation, appointment, duties.--

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

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

28 (b) The secretary of the Department of Business and  
29 Professional Regulation;

30 (c) The secretary of the Department of Children and  
31 Family Services;

- 1           (d) The director of the Agency for Health Care  
2 Administration;  
3           (e) The secretary of the Department of Corrections;  
4           (f) The Attorney General;  
5           (g) The executive director of the Correctional Medical  
6 Authority;  
7           (h) Two members representing county health  
8 departments, one from a small county and one from a large  
9 county, appointed by the Governor; ~~and~~  
10           (i) A representative from the Florida Association of  
11 Counties;  
12           (j) The State Treasurer and Insurance Commissioner;  
13           (k) A representative from the Florida Healthy Kids  
14 Corporation;  
15           (l) A representative from a school of public health  
16 chosen by the Board of Regents;  
17           (m) The Commissioner of Education;  
18           (n) The Secretary of the Department of Elderly  
19 Affairs; and  
20           (o) The Secretary of the Department of Juvenile  
21 Justice.

22  
23 Representatives of the Federal Government may serve without  
24 voting rights.

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

- 27           (a) By March 1 of each year, to develop and approve a  
28 strategic plan pursuant to the requirements set forth in s.  
29 186.022(9). Copies of the plan shall be transmitted  
30 electronically or in writing to the Executive Office of the  
31

1 Governor, the Speaker of the House of Representatives, and the  
2 President of the Senate.

3 (b) To develop a mission statement, goals, and plan of  
4 action, based on the guiding principles specified in s.  
5 282.3032, for the identification, collection, standardization,  
6 sharing, and coordination of health-related data across  
7 federal, state, and local government and private-sector  
8 entities.

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

15 (d)~~(c)~~ To create ad hoc issue-oriented technical  
16 workgroups, on an as-needed basis, to make recommendations to  
17 the council.

18 Section 11. Subsection (10) of section 382.003,  
19 Florida Statutes, is amended, and subsection (11) is added to  
20 that section, to read:

21 382.003 Powers and duties of the department.--The  
22 department may:

23 (10) Adopt, promulgate, and enforce rules necessary  
24 for the creation, issuance, recording, ~~rescinding,~~  
25 maintenance, and processing of vital records and for carrying  
26 out the provisions of ss. 382.004-382.014 and ss.  
27 382.016-382.019.

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

31



1           Section 12. Subsection (3) of section 382.004, Florida  
2 Statutes, is amended to read:

3           382.004   Reproduction and destruction of records.--

4           (3)   Photographs, microphotographs, or reproductions of  
5 any record in the form of film, prints, or electronically  
6 produced certifications made in compliance with the provisions  
7 of this chapter and certified by the department shall have the  
8 same force and effect as the originals thereof, shall be  
9 treated as originals for the purpose of their admissibility ~~in~~  
10 ~~any court or case,~~ and shall be prima facie evidence ~~in all~~  
11 ~~courts and cases~~ of the facts stated therein.

12           Section 13. Subsection (1) of section 382.008, Florida  
13 Statutes, 1998 Supplement, is amended to read:

14           382.008   Death and fetal death registration.--

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

28           (a)   If requested by the informant, shall include  
29 aliases or "also known as" (AKA) names of a decedent in  
30 addition to the decedent's name of record. Aliases shall be  
31 entered on the face of the death certificate in the space

1 provided for name if there is sufficient space. If there is  
2 not sufficient space, aliases may be recorded on the back of  
3 the certificate and shall be considered part of the official  
4 record of death;

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

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

11 Section 14. Subsections (1), (2), and (4) of section  
12 382.013, Florida Statutes, 1998 Supplement, are amended to  
13 read:

14 382.013 Birth registration.--A certificate for each  
15 live birth that occurs in this state shall be filed within 5  
16 days after such birth with the local registrar of the district  
17 in which the birth occurred and shall be registered by the  
18 local registrar if the certificate has been completed and  
19 filed in accordance with this chapter and adopted rules. The  
20 information regarding registered births shall be used for  
21 comparison with information in the state case registry, as  
22 defined in chapter 61.

23 (1) FILING.--

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

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

3 (b) If a birth occurs outside a facility and a  
4 physician licensed in this state, a certified nurse midwife, a  
5 midwife licensed in this state, or a public health nurse  
6 employed by the department was in attendance during or  
7 immediately after the delivery, that person shall prepare and  
8 file the certificate.

9 (c) If a birth occurs outside a facility and the  
10 delivery is not attended by one of the persons described in  
11 paragraph (b), the person in attendance, the mother, or the  
12 father shall report the birth to the registrar and provide  
13 proof of the facts of birth. The department may require such  
14 documents to be presented and such proof to be filed as it  
15 deems necessary and sufficient to establish the truth of the  
16 facts to be recorded by the certificate and may withhold  
17 registering the birth until its requirements are met.~~the~~  
18 ~~child is not taken to the facility within 3 days after~~  
19 ~~delivery, the certificate shall be prepared and filed by one~~  
20 ~~of the following persons in the indicated order of priority:~~

21 1. ~~The physician or midwife in attendance during or~~  
22 ~~immediately after the birth.~~

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

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

28 4. ~~In the absence of the father and the inability of~~  
29 ~~the mother, the person in charge of the premises where the~~  
30 ~~birth occurred.~~

31

1            (d)~~(c)~~ If a birth occurs in a moving conveyance and  
2 the child is first removed from the conveyance in this state,  
3 the birth shall be filed and registered in this state and the  
4 place to which the child is first removed shall be considered  
5 the place of birth.

6            (e)~~(d)~~ The mother or the father ~~At least one of the~~  
7 ~~parents~~ of the child shall attest to the accuracy of the  
8 personal data entered on the certificate in time to permit the  
9 timely registration of the certificate.

10           (f)~~(e)~~ If a certificate of live birth is incomplete,  
11 the local registrar shall immediately notify the health care  
12 facility or person filing the certificate and shall require  
13 the completion of the missing items of information if they can  
14 be obtained prior to issuing certified copies of the birth  
15 certificate.

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

21           (2) PATERNITY.--

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

26           (b) Notwithstanding paragraph (a), if the husband of  
27 the mother dies while the mother is pregnant but before the  
28 birth of the child, the name of the deceased husband shall be  
29 entered on the birth certificate as the father of the child,  
30 unless paternity has been determined otherwise by a court of  
31 competent jurisdiction.

1           (c) If the mother is not married at the time of birth,  
2 the name of the father may not be entered on the birth  
3 certificate without the execution of a consenting affidavit  
4 signed by both the mother and the person to be named as the  
5 father. After giving notice orally or through the use of  
6 video or audio equipment, and in writing, of the alternatives  
7 to, the legal consequences of, and the rights, including, if  
8 one parent is a minor, any rights afforded due to minority  
9 status, and responsibilities that arise from signing an  
10 acknowledgment of paternity, the facility shall provide the  
11 mother and the person to be named as the father with the  
12 affidavit, as well as information provided by the Title IV-D  
13 agency established pursuant to s. 409.2557, regarding the  
14 benefits of voluntary establishment of paternity. Upon request  
15 of the mother and the person to be named as the father, the  
16 facility shall assist in the execution of the affidavit.

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

24           (e) If the father is not named on the certificate, no  
25 other information about the father shall be entered on the  
26 certificate.

27           (4) UNDETERMINED PARENTAGE.--The person having custody  
28 of a child of undetermined parentage shall register a birth  
29 certificate ~~shall be registered for every child of~~  
30 ~~undetermined parentage~~ showing all known or approximate facts  
31 relating to the birth. To assist in later determination,

1 information concerning the place and circumstances under which  
2 the child was found shall be included on the portion of the  
3 birth certificate relating to marital status and medical  
4 details. In the event the child is later identified ~~to the~~  
5 ~~satisfaction of the department~~, a new birth certificate shall  
6 be prepared which shall bear the same number as the original  
7 birth certificate, and the original certificate shall be  
8 sealed and filed, shall be confidential and exempt from the  
9 provisions of s. 119.07(1), and shall not be opened to  
10 inspection by, nor shall certified copies of the same be  
11 issued except by court order to, any person other than the  
12 registrant if of legal age.

13 Section 15. Section 382.015, Florida Statutes, is  
14 amended to read:

15 382.015 New certificates of live birth; duty of clerks  
16 of court and department.--The clerk of the court in which any  
17 proceeding for adoption, annulment of an adoption, affirmation  
18 of parental status, or determination of paternity is to be  
19 registered, shall within 30 days after the final disposition,  
20 forward to the department a certified ~~court-certified~~ copy of  
21 the court order ~~decree~~, or a report of the proceedings upon a  
22 form to be furnished by the department, together with  
23 sufficient information to identify the original birth  
24 certificate and to enable the preparation of a new birth  
25 certificate.

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

27 (a) Upon receipt of the report or certified copy of an  
28 adoption decree, together with the information necessary to  
29 identify the original certificate of live birth, and establish  
30 a new certificate, the department shall prepare and file a new  
31 birth certificate, absent objection by the court decreeing the

1 adoption, the adoptive parents, or the adoptee if of legal  
2 age. The certificate shall bear the same file number as the  
3 original birth certificate. All names and identifying  
4 information relating to the adoptive parents entered on the  
5 new certificate shall refer to the adoptive parents, but  
6 nothing in the certificate shall refer to or designate the  
7 parents as being adoptive. All other items not affected by  
8 adoption shall be copied as on the original certificate,  
9 including the date of registration and filing.

10 (b) Upon receipt of the report or certified copy of an  
11 annulment-of-adoption decree, together with the sufficient  
12 information to identify the original certificate of live  
13 birth, the department shall, if a new certificate of birth was  
14 filed following an adoption report or decree, remove the new  
15 certificate and restore the original certificate to its  
16 original place in the files, and the certificate so removed  
17 shall be sealed by the department.

18 (c) Upon receipt of a report or certified copy of an  
19 adoption decree or annulment-of-adoption decree for a person  
20 born in another state, the department shall forward the report  
21 or decree to the state of the registrant's birth. If the  
22 adoptee was born in Canada, the department shall send a copy  
23 of the report or decree to the appropriate birth registration  
24 authority in Canada.

25 (2) DETERMINATION OF PATERNITY.--

26 ~~(a)~~ Upon receipt of the report or a certified copy of  
27 a final decree of determination of paternity, ~~or upon written~~  
28 ~~request and receipt of a consenting affidavit signed by both~~  
29 ~~parents acknowledging the paternity of the registrant,~~  
30 together with sufficient information to identify the original  
31 certificate of live birth, the department shall prepare and

1 file a new birth certificate which shall bear the same file  
2 number as the original birth certificate. ~~If paternity has~~  
3 ~~been established pursuant to court order,~~The registrant's  
4 name shall be entered as decreed by the court. ~~Otherwise, the~~  
5 ~~surname of the registrant may be changed from that shown on~~  
6 ~~the original birth certificate at the request of the parents~~  
7 ~~or the registrant if of legal age.~~The names and identifying  
8 information of the parents shall be entered as of the date of  
9 the registrant's birth.

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

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

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



1           (4) SUBSTITUTION OF NEW CERTIFICATE OF BIRTH FOR  
2 ORIGINAL.--When a new certificate of birth is prepared, the  
3 department shall substitute the new certificate of birth for  
4 the original certificate on file. All copies of the original  
5 certificate of live birth in the custody of a local registrar  
6 or other state custodian of vital records shall be forwarded  
7 to the State Registrar. Thereafter, when a certified copy of  
8 the certificate of birth ~~of such person~~ or portion thereof is  
9 issued, it shall be a copy of the new certificate of birth or  
10 portion thereof, except when a court order requires issuance  
11 of a certified copy of the original certificate of birth. In  
12 an adoption, change in paternity, affirmation of parental  
13 status, undetermined parentage, or court-ordered substitution,  
14 the department shall place the original certificate of birth  
15 and all papers pertaining thereto under seal, not to be broken  
16 except by order of a court of competent jurisdiction or as  
17 otherwise provided by law.

18           (5) FORM.--Except for certificates of foreign birth  
19 which are registered as provided in s. 382.017, and delayed  
20 certificates of birth which are registered as provided in ss.  
21 382.019 and 382.0195, all original, new, or amended  
22 certificates of live birth shall be identical in form,  
23 regardless of the marital status of the parents or the fact  
24 that the registrant is adopted or of undetermined parentage.

25           (6) RULES.--The department shall adopt and enforce all  
26 rules necessary for carrying out the provisions of this  
27 section.

28           Section 16. Subsections (3), (4), and (5) are added to  
29 section 382.016, Florida Statutes, to read:

30           382.016 Amendment of records.--

31

1           (3) Upon written request and receipt of an affidavit  
2 signed by the mother and father acknowledging the paternity of  
3 a registrant born out of wedlock, together with sufficient  
4 information to identify the original certificate of live  
5 birth, the department shall prepare a new birth certificate,  
6 which shall bear the same file number as the original birth  
7 certificate. The names and identifying information of the  
8 parents shall be entered as of the date of the registrant's  
9 birth. The surname of the registrant may be changed from that  
10 shown on the original birth certificate at the request of the  
11 mother and father of the registrant, or the registrant if of  
12 legal age. If the mother and father marry each other at any  
13 time after the registrant's birth, the department shall, upon  
14 the request of the mother and father or registrant if of legal  
15 age and proof of the marriage, amend the certificate with  
16 regard to the parents' marital status as though the parents  
17 were married at the time of birth.

18           (4) When a new certificate of birth is prepared  
19 pursuant to subsection (3), the department shall substitute  
20 the new certificate of birth for the original certificate on  
21 file. All copies of the original certificate of live birth in  
22 the custody of a local registrar or other state custodian of  
23 vital records shall be forwarded to the State Registrar.  
24 Thereafter, when a certified copy of the certificate of birth  
25 or portion thereof is issued, it shall be a copy of the new  
26 certificate of birth or portion thereof, except when a court  
27 order requires issuance of a certified copy of the original  
28 certificate of birth. The department shall place the original  
29 certificate of birth and all papers pertaining thereto under  
30 seal, not to be broken except by order of a court of competent  
31 jurisdiction or as otherwise provided by law.

1           (5) If a father's name is listed on the birth  
2 certificate, the birth certificate may only be amended to  
3 remove the father's name or to add a different father's name  
4 upon court order. If a change in the registrant's surname is  
5 also desired, such change must be included in the court order  
6 or the name must be changed pursuant to s. 68.07.

7           Section 17. Section 382.019, Florida Statutes, is  
8 amended to read:

9           382.019 Delayed registration; administrative  
10 procedures.--

11           (1) Registration after 1 year is a delayed  
12 registration, and the department may, upon receipt of an  
13 application and the fee required under s. 382.0255, and proof  
14 of the birth, death, or fetal death as prescribed by this  
15 section or rule, register a delayed certificate if the  
16 department does not already have a certificate of the birth,  
17 death, or fetal death on file.

18           (2) The department may require such supporting  
19 documents to be presented and such proof to be filed as it  
20 deems necessary and sufficient to establish the truth of the  
21 facts to be recorded by the certificate, and may withhold  
22 registering the birth, death, or fetal death certificate until  
23 its requirements are met.

24           (3) Certificates registered under this section are  
25 admissible as prima facie evidence of the facts recited  
26 therein with like force and effect as other vital records  
27 received or admitted in evidence.

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

31

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

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

8 (7) A delayed death or fetal death record shall be  
9 registered on a certificate of death or fetal death and marked  
10 "delayed."

11 (8) In addition to the rulemaking authority found at  
12 s. 382.003(10), the department may, by rule, provide for the  
13 dismissal of an application that is not actively pursued.

14 Section 18. Section 382.025, Florida Statutes, is  
15 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 that 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           (3) RECORDS AND DATA DISTRIBUTION.--The department may  
2 issue vital records or data to:

3           (a) A federal agency, if the agency shares in the cost  
4 of collecting, processing, and transmitting such data and if  
5 the data is only used by the federal agency for statistical  
6 purposes or for other purposes specifically authorized by the  
7 department.

8           (b) An office of vital statistics for a jurisdiction  
9 outside this state, pursuant to an agreement with the  
10 department, when such records or other reports relate to  
11 residents of that jurisdiction or persons born in that  
12 jurisdiction. The agreement must require that the copies be  
13 used for statistical and administrative purposes only and must  
14 provide for the retention and disposition of such copies.

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

17           (d) A research entity, if the entity seeks the records  
18 or data pursuant to a research protocol approved by the  
19 department and maintains the records or data in accordance  
20 with the approved protocol and a purchase and data-use  
21 agreement with the department. The department may deny a  
22 request for records or data if the protocol provides for  
23 intrusive follow-back contacts, has not been approved by a  
24 human studies institutional review board, does not plan for  
25 the destruction of confidential records after the research is  
26 concluded, or does not have scientific merit. The agreement  
27 must restrict the release of any information which would  
28 permit the identification of persons found in vital statistics  
29 records, limit the use of the records or data to the approved  
30 research protocol, and prohibit any other use of the records  
31 or data.

1           (e) Any company or individual requesting  
2 nonconfidential data as defined by this chapter upon payment  
3 of the fees described in s. 382.0255(1)(h).

4           (f) Except for records under paragraph (e), vital  
5 records or data issued under this subsection are exempt from  
6 the provisions of s. 119.07(1)., ~~and~~ Copies of vital records  
7 or data issued pursuant to this subsection remain the property  
8 of the department and my not be resold.

9           (4) CERTIFIED COPIES OF ORIGINAL CERTIFICATES.--Only  
10 the state registrar and local registrars are authorized to  
11 issue any certificate which purports to be a certified copy of  
12 an original certificate of live birth, death, or fetal death.  
13 Except as provided in this section, preparing or issuing  
14 certificates is exempt from the provisions of s. 119.07(1).

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

18           Section 19. Subsection (2) of section 382.0255,  
19 Florida Statutes, is amended to read:

20           382.0255 Fees.--

21           (2) The fee charged for each request for a  
22 certification of a birth record issued by the department or by  
23 the local registrar shall be subject to an additional fee of  
24 \$4 which shall be deposited in the appropriate departmental  
25 trust fund. On a quarterly basis, the department shall  
26 ~~transfer \$2 of this additional fee to the General Revenue Fund~~  
27 ~~and \$1.50 to the Child Welfare Training Trust Fund created in~~  
28 ~~s. 402.40. Fifty cents of the fee shall be available for~~  
29 ~~appropriation to the department for administration of this~~  
30 ~~chapter.~~

31



1           Section 20. Paragraph (e) of subsection (3) and  
2 subsection (5) of section 383.14, Florida Statutes, are  
3 amended to read:

4           383.14 Screening for metabolic disorders, other  
5 hereditary and congenital disorders, and environmental risk  
6 factors.--

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

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

17  
18 All provisions of this subsection must be coordinated with the  
19 provisions and plans established under this chapter, chapter  
20 411, and Pub. L. No. 99-457.

21           (5) ADVISORY COUNCIL.--There is established a Genetics  
22 and Infant Screening Advisory Council made up of 12 members  
23 appointed by the Secretary of Health. The council shall be  
24 composed of two consumer members, three practicing  
25 pediatricians, at least one of whom must be a pediatric  
26 hematologist, one representative from each of the four medical  
27 schools in the state, the Secretary of Health or his or her  
28 designee, one representative from the Department of Health  
29 representing ~~Division of~~ Children's Medical Services, and one  
30 representative from the Developmental Services Program Office  
31 of the Department of Children and Family Services. All

1 appointments shall be for a term of 4 years. The chairperson  
2 of the council shall be elected from the membership of the  
3 council and shall serve for a period of 2 years. The council  
4 shall meet at least semiannually or upon the call of the  
5 chairperson. The council may establish ad hoc or temporary  
6 technical advisory groups to assist the council with specific  
7 topics which come before the council. Council members shall  
8 serve without pay. Pursuant to the provisions of s. 112.061,  
9 the council members are entitled to be reimbursed for per diem  
10 and travel expenses. It is the purpose of the council to  
11 advise the department about:

12 (a) Conditions for which testing should be included  
13 under the screening program and the genetics program;

14 (b) Procedures for collection and transmission of  
15 specimens and recording of results; and

16 (c) Methods whereby screening programs and genetics  
17 services for children now provided or proposed to be offered  
18 in the state may be more effectively evaluated, coordinated,  
19 and consolidated.

20 Section 21. Subsection (4) of section 385.202, Florida  
21 Statutes, is amended to read:

22 385.202 Statewide cancer registry.--

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

30 Section 22. Section 391.028, Florida Statutes, 1998  
31 Supplement, is amended to read:

1           391.028 Administration.--The Children's Medical  
2 Services program shall have a central office and area offices.

3           (1) The Director of ~~the Division of~~ Children's Medical  
4 Services must be a physician licensed under chapter 458 or  
5 chapter 459 who has specialized training and experience in the  
6 provision of health care to children and who has recognized  
7 skills in leadership and the promotion of children's health  
8 programs. The division director shall be the deputy secretary  
9 and the Deputy State Health Officer for Children's Medical  
10 Services and is appointed by and reports to the secretary. The  
11 director may appoint division directors subject to the  
12 approval of the secretary.

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

16           (a) Providing case management services for the  
17 network.

18           (b) Providing local oversight of the program.

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

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

23           (e) Authorizing services in the program and developing  
24 spending plans.

25           (f) Participating in the development of treatment  
26 plans.

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

29           (3) Each Children's Medical Services area office shall  
30 be directed by 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. The director of a  
2 Children's Medical Services area office shall be appointed by  
3 the ~~division~~ director from the active panel of Children's  
4 Medical Services physician consultants.

5 Section 23. Section 391.0315, Florida Statutes, 1998  
6 Supplement, is amended to read:

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

21 Section 24. Subsection (3) of section 392.69, Florida  
22 Statutes, is amended, and subsection (4) is added to that  
23 section, to read:

24 392.69 Appropriation, sinking, and maintenance trust  
25 funds; additional powers of the department.--

26 (3) In the execution of its public health program  
27 functions, notwithstanding chapter 216,the department is  
28 hereby authorized to use any sums of money which it may  
29 heretofore have saved or which it may hereafter save from its  
30 regular operating appropriation, or use any sums of money  
31 acquired by gift or grant, or any sums of money it may acquire

1 by the issuance of revenue certificates of the hospital to  
2 match or supplement any state or federal funds, or any moneys  
3 received by said department by gift or otherwise, for the  
4 construction or maintenance of additional facilities or  
5 improvement to existing facilities, as the department deems  
6 necessary.

7       (4) The department shall appoint an advisory board,  
8 which shall meet quarterly to review and make recommendations  
9 relating to patient care at A. G. Holley State Hospital.  
10 Members shall be appointed for terms of 3 years, with such  
11 appointments being staggered so that terms of no more than two  
12 members expire in any one year. Members shall serve without  
13 compensation, but they are entitled to be reimbursed for per  
14 diem and travel expenses under s. 112.061.

15       Section 25. Subsections (14), (15), (16), (19), and  
16 (22) of section 499.005, Florida Statutes, 1998 Supplement,  
17 are amended, and subsection (24) is added to that section, to  
18 read:

19       499.005 Prohibited acts.--It is unlawful to perform or  
20 cause the performance of any of the following acts in this  
21 state:

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

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

30       (16) The purchase or receipt of a compressed medical  
31 gas from a person that is not authorized under this chapter

1 ~~the law of the state in which the person resides~~ to distribute  
2 compressed medical gases.

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

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

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

14 Section 26. Subsection (13) of section 499.007,  
15 Florida Statutes, is amended to read:

16 499.007 Misbranded drug or device.--A drug or device  
17 is misbranded:

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

21 (a) "Caution: Federal Law Prohibits Dispensing  
22 Without Prescription"; ~~or~~

23 (b) "Rx Only";

24 (c) The prescription symbol followed by the word  
25 "Only"; or

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

29 A drug dispensed by filling or refilling a written or oral  
30 prescription of a practitioner licensed by law to prescribe  
31 such drug is exempt from the requirements of this section,

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

14 Section 27. Subsection (15) of section 499.028,  
15 Florida Statutes, is amended to read:

16 499.028 Drug samples or complimentary drugs; starter  
17 packs; permits to distribute.--

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

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

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

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

27 (d) He or she is an officer or employee of a federal,  
28 state, or local government acting within the scope of his or  
29 her employment.

30 Section 28. Subsection (1) of section 499.066, Florida  
31 Statutes, is amended to read:

1           499.066 Penalties; remedies.--In addition to other  
2 penalties and other enforcement provisions:

3           (1) When the department believes that any person has  
4 violated ss. 499.001-499.081 or any rules adopted pursuant to  
5 those sections, it may issue and deliver an order to cease and  
6 desist from such violation. A cease and desist order issued  
7 under this subsection shall take effect immediately upon  
8 issuance and shall remain in effect until the department takes  
9 final agency action. A cease and desist order is reviewable at  
10 the request of the person to whom it is directed as follows:

11           (a) If formal proceedings have been requested and the  
12 matter has been referred to the Division of Administrative  
13 Hearings, a motion to abate or modify the cease and desist  
14 order may be filed with the division. Any interlocutory order  
15 of the presiding administrative law judge shall be binding on  
16 the parties until final agency action is taken by the  
17 department.

18           (b) If informal proceedings have been requested, the  
19 department may consider and determine a request from the  
20 affected person to abate or modify the cease and desist order.

21           (c) If a person is aggrieved by a cease and desist  
22 order after seeking to have the order abated or modified  
23 pursuant to paragraph (a) or paragraph (b), the person may  
24 seek interlocutory judicial review by the appropriate district  
25 court of appeal pursuant to the applicable rules of appellate  
26 procedure.

27           Section 29. Subsection (1) of section 499.069, Florida  
28 Statutes, is amended to read:

29           499.069 Punishment for violations of s. 499.005;  
30 dissemination of false advertisement.--

31



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

14           Section 30. Subsection (1) of section 742.10, Florida  
15 Statutes, is amended to read:

16           742.10 Establishment of paternity for children born  
17 out of wedlock.--

18           (1) This chapter provides the primary jurisdiction and  
19 procedures for the determination of paternity for children  
20 born out of wedlock. When the establishment of paternity has  
21 been raised and determined within an adjudicatory hearing  
22 brought under the statutes governing inheritance, or  
23 dependency under workers' compensation or similar compensation  
24 programs, or when an affidavit acknowledging paternity or a  
25 stipulation of paternity is executed by both parties and filed  
26 with the clerk of the court, or when a consenting affidavit as  
27 provided for in s. 382.013 or s. 382.016 ~~s. 382.015~~ is  
28 executed by both parties, it shall constitute the  
29 establishment of paternity for purposes of this chapter. If no  
30 adjudicatory proceeding was held, a voluntary acknowledgment  
31 of paternity shall create a rebuttable presumption, as defined

1 by s. 90.304, of paternity and is subject to the right of any  
2 signatory to rescind the acknowledgment within 60 days of the  
3 date the acknowledgment was signed or the date of an  
4 administrative or judicial proceeding relating to the child,  
5 including a proceeding to establish a support order, in which  
6 the signatory is a party, whichever is earlier. Both parents  
7 are required to provide their social security numbers on any  
8 acknowledgment of paternity, consent affidavit, or stipulation  
9 of paternity. Except for consenting affidavits under seal  
10 pursuant to ~~ss.~~382.015 and 382.016, the Office of Vital  
11 Statistics shall provide certified copies of affidavits to the  
12 Title IV-D agency upon request.

13 Section 31. Section 39.303, Florida Statutes, 1998  
14 Supplement, is amended to read:

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

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

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

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

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

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

31

1           (d) Such psychological and psychiatric diagnosis and  
2 evaluation services for the child or the child's parent or  
3 parents, legal custodian or custodians, or other caregivers,  
4 or any other individual involved in a child abuse,  
5 abandonment, or neglect case, as the team may determine to be  
6 needed.

7           (e) Expert medical, psychological, and related  
8 professional testimony in court cases.

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

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

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

30           (i) Educational and community awareness campaigns on  
31 child abuse, abandonment, and neglect in an effort to enable

1 citizens more successfully to prevent, identify, and treat  
2 child abuse, abandonment, and neglect in the community.

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

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

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

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

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

18 (e) Reported malnutrition of a child and failure of a  
19 child to thrive.

20 (f) Reported medical, physical, or emotional neglect  
21 of a child.

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

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

30 (3) In all instances in which a child protection team  
31 is providing certain services to abused, abandoned, or

1 neglected children, other offices and units of the Department  
2 of Health, and offices and units of the Department of Children  
3 and Family Services, shall avoid duplicating the provision of  
4 those services.

5 Section 32. Subsection (3) of section 385.203, Florida  
6 Statutes, is amended to read:

7 385.203 Diabetes Advisory Council; creation; function;  
8 membership.--

9 (3) The council shall be composed of 18 citizens of  
10 the state as follows: four practicing physicians; one  
11 representative from each medical school; seven interested  
12 citizens, at least three of whom shall be persons who have or  
13 have had diabetes mellitus or who have a child with diabetes  
14 mellitus; the Secretary of Health or his or her designee; one  
15 representative from the ~~Division of Children's Medical~~  
16 ~~Services of the~~ Department of Health who represents Children's  
17 Medical Services; and one professor of nutrition.

18 Section 33. 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 34. Paragraph (b) of subsection (1) of section  
26 391.221, Florida Statutes, 1998 Supplement, is amended to  
27 read:

28 391.221 Statewide Children's Medical Services Network  
29 Advisory Council.--

30 (1) The secretary of the department may appoint a  
31 Statewide Children's Medical Services Network Advisory Council

1 for the purpose of acting as an advisory body to the  
2 department. Specifically, the duties of the council shall  
3 include, but not be limited to:

4 (b) Making recommendations to the director of ~~the~~  
5 ~~Division of~~ Children's Medical Services concerning the  
6 selection of health care providers for the Children's Medical  
7 Services network.

8 Section 35. Subsection (1) of section 391.222, Florida  
9 Statutes, 1998 Supplement, is amended to read:

10 391.222 Cardiac Advisory Council.--

11 (1) The secretary of the department may appoint a  
12 Cardiac Advisory Council for the purpose of acting as the  
13 advisory body to the Department of Health ~~Division of~~  
14 ~~Children's Medical Services~~ in the delivery of cardiac  
15 services to children. Specifically, the duties of the council  
16 shall include, but not be limited to:

17 (a) Recommending standards for personnel and  
18 facilities rendering cardiac services ~~for the Division of~~  
19 ~~Children's Medical Services~~;

20 (b) Receiving reports of the periodic review of  
21 cardiac personnel and facilities to determine if established  
22 standards for the ~~Division of Children's Medical Services~~  
23 cardiac services are met;

24 (c) Making recommendations to the ~~division~~ director as  
25 to the approval or disapproval of reviewed personnel and  
26 facilities;

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

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

1           Section 36. Section 391.223, Florida Statutes, 1998  
2 Supplement, is amended to read:

3           391.223 Technical advisory panels.--The secretary of  
4 the department may establish technical advisory panels to  
5 assist ~~the Division of Children's Medical Services~~ in  
6 developing specific policies and procedures for the Children's  
7 Medical Services program.

8           Section 37. Subsection (4) of section 63.162, Florida  
9 Statutes, is amended to read:

10          63.162 Hearings and records in adoption proceedings;  
11 confidential nature.--

12          (4) A person may not disclose from the records the  
13 name and identity of a birth parent, an adoptive parent, or an  
14 adoptee unless:

15          (a) The birth parent authorizes in writing the release  
16 of his or her name;

17          (b) The adoptee, if 18 or more years of age,  
18 authorizes in writing the release of his or her name; or, if  
19 the adoptee is less than 18 years of age, written consent to  
20 disclose the adoptee's name is obtained from an adoptive  
21 parent;

22          (c) The adoptive parent authorizes in writing the  
23 release of his or her name; or

24          (d) Upon order of the court for good cause shown and  
25 pursuant to a petition filed in accordance with subsection  
26 (7). In determining whether good cause exists, the court  
27 shall give primary consideration to the best interests of the  
28 adoptee, but must also give due consideration to the interests  
29 of the adoptive and birth parents. Factors to be considered  
30 in determining whether good cause exists include, but are not  
31 limited to:



- 1           1. The reason the information is sought;
- 2           2. The existence of means available to obtain the  
3 desired information without disclosing the identity of the  
4 birth parents, such as by having the court, an intermediary ~~a~~  
5 ~~person appointed by the court~~, the department, or the licensed  
6 child-placing agency contact the birth parents and request  
7 specific information;
- 8           3. The desires, to the extent known, of the adoptee,  
9 the adoptive parents, and the birth parents;
- 10          4. The age, maturity, judgment, and expressed needs of  
11 the adoptee; and
- 12          5. The recommendation of the department, licensed  
13 child-placing agency, or professional which prepared the  
14 preliminary study and home investigation, or the department if  
15 no such study was prepared, concerning the advisability of  
16 disclosure.
- 17          Section 38. Subsection (3) of section 381.731, Florida  
18 Statutes, as amended by section 2 of chapter 98-224, Laws of  
19 Florida, is repealed.
- 20          Section 39. Subsection (5) of section 383.307, Florida  
21 Statutes, is repealed.
- 22          Section 40. Subsection (7) of section 404.20, Florida  
23 Statutes, is repealed.
- 24          Section 41. Section 409.9125, Florida Statutes, is  
25 repealed.
- 26          Section 42. The building that is known as the "1911  
27 State Board of Health Building" which is part of a  
28 multi-building complex with the address of 1217 Pearl Street,  
29 Jacksonville, Florida, shall be known as the "Wilson T.  
30 Sowder, M.D., Building."

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