

By the Committee on Health, Aging and Long-Term Care; and
Senator Clary

317-1847A-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. 381.006, F.S.;
26 providing the department with rule authority
27 relating to inspection of certain group care
28 facilities; amending s. 381.0061, F.S.;
29 providing the department with authority to
30 impose certain fines; amending s. 381.0062,
31 F.S.; redefining the term "private water

1 system" and defining the term "multi-family
2 water system"; providing that either type of
3 system may include a rental residence in its
4 service; regulating multi-family systems;
5 amending s. 381.90, F.S.; revising membership
6 of the Health Information Systems Council;
7 prescribing its duties with respect to
8 developing a review process; requiring a
9 report; amending s. 382.003, F.S.; revising
10 powers and duties of the department with
11 respect to vital records; providing for forms
12 and documents to be submitted under oath;
13 amending s. 382.004, F.S.; restating the
14 admissibility of copies of records; amending s.
15 382.008, F.S.; deleting provisions relating to
16 restriction on disclosure of a decedent's
17 social security number; amending s. 382.013,
18 F.S.; revising provisions relating to who must
19 file a birth registration; amending s. 382.015,
20 F.S.; revising provisions relating to issuance
21 of new birth certificates upon determination of
22 paternity; amending s. 382.016, F.S.;
23 prescribing procedures for amending records;
24 amending s. 382.019, F.S.; providing for
25 dismissal of an application for delayed
26 registration which is not actively pursued;
27 amending s. 382.025, F.S.; exempting certain
28 birth records from confidentiality
29 requirements; amending s. 382.0255, F.S.;
30 revising provisions relating to disposition of
31 the additional fee imposed on certification of

1 birth records; amending s. 383.14, F.S.;

2 conforming a reference to the name of a

3 program; amending s. 385.202, F.S.; deleting

4 provisions relating to reimbursing hospitals

5 reporting information for the statewide cancer

6 registry; amending s. 385.203, F.S.;

7 establishing requirements and membership for

8 the Diabetes Advisory Council; amending s.

9 391.028, F.S.; revising provisions relating to

10 administration of the Children's Medical

11 Services program; amending s. 391.0315, F.S.;

12 revising standards for benefits provided under

13 the program for certain children; amending s.

14 392.69, F.S.; providing for an advisory board

15 for the A. G. Holley State Hospital; amending

16 s. 401.25, F.S.; revising qualifications for

17 licensure as basic or advanced life support

18 service; amending s. 401.27, F.S.; requiring

19 applications to be made under oath by emergency

20 medical technicians or paramedics; amending s.

21 401.30, F.S.; providing the department with

22 rule authority for patient care records of

23 licensed ambulance services; amending s.

24 401.35, F.S.; authorizing the department to

25 prescribe by rule requirements for storage, and

26 security of medications maintained by licensed

27 support services; creating s. 401.49, F.S.;

28 authorizing the department's approval of

29 emergency medical technician and paramedic

30 programs; amending s. 409.9126, F.S.; revising

31 requirements for capitation payments to

1 Children's Medical Services programs; amending
2 s. 465.019, F.S.; revising definitions;
3 amending s. 499.005, F.S.; revising the
4 elements of certain offenses relating to
5 purchase or receipt of legend drugs,
6 recordkeeping with respect to drugs, cosmetics,
7 and household products, and permit and
8 registration requirements; amending s. 499.007,
9 F.S.; revising conditions under which a drug is
10 considered misbranded; amending s. 499.028,
11 F.S.; providing an exemption from the
12 prohibition against possession of a drug
13 sample; amending s. 499.066, F.S.; providing
14 conditions on issuance of cease and desist
15 orders; amending s. 499.069, F.S.; providing
16 penalties for certain violations of s. 499.005,
17 F.S.; amending s. 742.10, F.S.; revising
18 procedures relating to establishing paternity
19 for children born out of wedlock; amending ss.
20 39.303, 385.203, 391.021, 391.221, 391.222,
21 391.223, F.S., to conform to the renaming of
22 the Division of Children's Medical Services;
23 amending s. 63.162, F.S.; revising requirements
24 for release of the name and identity of an
25 adoptee, birth parent, or adoptive parent;
26 repealing s. 381.731(3), F.S., relating to the
27 date for submission of a report; repealing s.
28 383.307(5), F.S., relating to licensure of
29 birth center staff and consultants; repealing
30 s. 404.20(7), F.S., relating to transportation
31 of radioactive materials; repealing s.

1 409.9125, F.S., relating to the study of
2 Medicaid alternative networks; naming a certain
3 building in Jacksonville the "Wilson T. Sowder,
4 M.D., Building"; naming a certain building in
5 Tampa the "William G. 'Doc' Myers, M.D.,
6 Building"; naming the department headquarters
7 building the "Charlton E. Prather, M.D.,
8 Building"; authorizing the Department of Health
9 to become an accrediting authority for
10 environmental laboratory standards; providing
11 intent and rulemaking authority for the
12 Department of Health to implement standards of
13 the National Environmental Laboratory
14 Accreditation Program; providing an effective
15 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 comply with paragraph (e).

25 13. For the performance of an HIV-related test
26 medically indicated by licensed medical personnel for medical
27 diagnosis of a hospitalized infant as necessary to provide
28 appropriate care and treatment of the infant when, after a
29 reasonable attempt, a parent cannot be contacted to provide
30 consent. The medical records of the infant shall reflect the
31 reason consent of the parent was not initially obtained. Test

1 results shall be provided to the parent when the parent is
2 located.

3 14. For the performance of HIV testing conducted to
4 monitor the clinical progress of a patient previously
5 diagnosed to be HIV positive.

6 15. For the performance of repeated HIV testing
7 conducted to monitor possible conversion from a significant
8 exposure.

9 Section 8. Subsection (7) is added to section
10 381.0051, Florida Statutes, to read:

11 381.0051 Family planning.--

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

14 Section 9. Subsection (16) is added to section
15 381.006, Florida Statutes, 1998 Supplement, to read:

16 381.006 Environmental health.--The department shall
17 conduct an environmental health program as part of fulfilling
18 the state's public health mission. The purpose of this program
19 is to detect and prevent disease caused by natural and manmade
20 factors in the environment. The environmental health program
21 shall include, but not be limited to:

22 (16) A group-care-facilities function, where a
23 group-care facility means any public or private school,
24 housing, building or buildings, section of a building, or
25 distinct part of a building or other place, whether operated
26 for profit or not, which undertakes, through its ownership or
27 management, to provide one or more personal services, care,
28 protection, and supervision to persons who require such
29 services and who are not related to the owner or
30 administrator. The department may adopt rules necessary to
31 protect the health and safety of residents, staff, and patrons

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

27
28 The department may adopt rules to carry out the provisions of
29 this section.

30 Section 10. Subsection (1) of section 381.0061,
31 Florida Statutes, is amended to read:

1 381.0061 Administrative fines.--

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

12 Section 11. Subsections (2), (3), (4), and (5) of
13 section 381.0062, Florida Statutes, 1998 Supplement, are
14 amended to read:

15 381.0062 Supervision; private and certain public water
16 systems.--

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

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

20 (b) "Department" means the Department of Health,
21 including the county health departments.

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

24 (d) "Health hazard" means any condition, contaminant,
25 device, or practice in a water system or its operation which
26 will create or has the potential to create an acute or chronic
27 threat to the health and well-being of the water consumer.

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

1 (f) "Limited use community public water system" means
2 a public water system not covered or included in the Florida
3 Safe Drinking Water Act, which serves five or more ~~private~~
4 residences or two or more rental residences, and provides
5 piped water.

6 (g) "Maximum contaminant level" means the maximum
7 permissible level of a contaminant in potable water delivered
8 to consumers.

9 (h) "Multi-family water system" means a water system
10 that provides piped water to three or four residences, one of
11 which may be a rental residence.

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

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

19 ~~(k)(j)~~ "Private water system" means a water system
20 that provides piped water for one or two ~~no more than four~~
21 ~~nonrental~~ residences, one of which may be a rental residence.

22 ~~(l)(k)~~ "Public consumption" means oral ingestion or
23 physical contact with water by a person for any purpose other
24 than cleaning work areas or simple handwashing. Examples of
25 public consumption include, when making food or beverages
26 available to the general public, water used for washing food,
27 cooking utensils, or food service areas and water used for
28 preparing food or beverages; washing surfaces accessed by
29 children as in a child care center or similar setting; washing
30 medical instruments or surfaces accessed by a patient; any
31 water usage in health care facilities; emergency washing

1 devices such as eye washing sinks; washing in food processing
2 plants or establishments like slaughterhouses and
3 packinghouses; and water used in schools.

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

10 (n)~~(m)~~ "Supplier of water" means the person, company,
11 or corporation that owns or operates a limited use community
12 or limited use commercial public water system, a multi-family
13 water system, or a private water system.

14 (o)~~(n)~~ "Variance" means a sanction from the department
15 affording a supplier of water an extended time to correct a
16 maximum contaminant level violation caused by the raw water or
17 to deviate from construction standards established by rule of
18 the department.

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

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

30 (b) Require any person wishing to construct, modify,
31 or operate a limited use community or limited use commercial

1 public water system or a multi-family ~~private~~ water system to
2 first make application to and obtain approval from the
3 department on forms adopted by rule of the department.

4 (c) Review and act upon any application for the
5 construction, modification, operation, or change of ownership
6 of, and conduct surveillance, enforcement, and compliance
7 investigations of, limited use community and limited use
8 commercial public water systems, and multi-family ~~private~~
9 water systems.

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

16 (e) Require a fee from the supplier of water in an
17 amount sufficient to cover the costs of reviewing and acting
18 upon any application for the construction or change of
19 ownership of a multi-family ~~private~~ water system ~~servicing more~~
20 ~~than one residence~~, of not less than \$10 or more than \$90.

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

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

31

1 (h) Require all fees collected by the department in
2 accordance with the provisions of this section to be deposited
3 in an appropriate trust fund of the department, and used
4 exclusively for the payment of costs incurred in the
5 administration of this section.

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

9 (j) Require suppliers of water to give public notice
10 of water problems and corrective measures under the conditions
11 specified by rule of the department.

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

15 (4) RIGHT OF ENTRY.--For purposes of this section,
16 department personnel may enter, at any reasonable time and if
17 they have reasonable cause to believe a violation of this
18 section is occurring or about to occur, upon any and all parts
19 of the premises of such limited use public and multi-family
20 ~~private~~ drinking water systems ~~serving more than one~~
21 ~~residence~~, to make an examination and investigation to
22 determine the sanitary and safety conditions of such systems.
23 Any person who interferes with, hinders, or opposes any
24 employee of the department in the discharge of his or her
25 duties pursuant to the provisions of this section is subject
26 to the penalties provided in s. 381.0025.

27 (5) ENFORCEMENT AND PENALTIES.--

28 (a) Any person who constructs, modifies, or operates a
29 limited use community or limited use commercial public water
30 system, a multi-family water system, or a private water
31 system, without first complying with the requirements of this

1 section, who operates a water system in violation of
2 department order, or who maintains or operates a water system
3 after revocation of the permit is guilty of a misdemeanor of
4 the second degree, punishable as provided in s. 775.082 or s.
5 775.083.

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

9 (c) Additional remedies available to county health
10 department staff through any county or municipal ordinance may
11 be applied, over and above the penalties set forth in this
12 section, to any violation of this section or the rules adopted
13 pursuant to this section.

14 Section 12. Subsections (3) and (7) of section 381.90,
15 Florida Statutes, are amended to read:

16 381.90 Health Information Systems Council; legislative
17 intent; creation, appointment, duties.--

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

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

21 (b) The secretary of the Department of Business and
22 Professional Regulation;

23 (c) The secretary of the Department of Children and
24 Family Services;

25 (d) The director of the Agency for Health Care
26 Administration;

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

28 (f) The Attorney General;

29 (g) The executive director of the Correctional Medical
30 Authority;

31

1 (h) Two members representing county health
2 departments, one from a small county and one from a large
3 county, appointed by the Governor; ~~and~~

4 (i) A representative from the Florida Association of
5 Counties; -

6 (j) The State Treasurer and Insurance Commissioner;

7 (k) A representative from the Florida Healthy Kids
8 Corporation;

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

11 (m) The Commissioner of Education;

12 (n) The Secretary of the Department of Elderly
13 Affairs; and

14 (o) The Secretary of the Department of Juvenile
15 Justice.

16

17 Representatives of the Federal Government may serve without
18 voting rights.

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

21 (a) By March 1 of each year, to develop and approve a
22 strategic plan pursuant to the requirements set forth in s.
23 186.022(9). Copies of the plan shall be transmitted
24 electronically or in writing to the Executive Office of the
25 Governor, the Speaker of the House of Representatives, and the
26 President of the Senate.

27 (b) To develop a mission statement, goals, and plan of
28 action, based on the guiding principles specified in s.
29 282.3032, for the identification, collection, standardization,
30 sharing, and coordination of health-related data across
31

1 federal, state, and local government and private-sector
2 entities.

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

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

12 Section 13. Subsection (10) of section 382.003,
13 Florida Statutes, is amended, and subsection (11) is added to
14 that section, to read:

15 382.003 Powers and duties of the department.--The
16 department may:

17 (10) Adopt, promulgate, and enforce rules necessary
18 for the creation, issuance, recording, ~~rescinding,~~
19 maintenance, and processing of vital records and for carrying
20 out the provisions of ss. 382.004-382.014 and ss.
21 382.016-382.019.

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

25 Section 14. Subsection (3) of section 382.004, Florida
26 Statutes, is amended to read:

27 382.004 Reproduction and destruction of records.--

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

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

5 Section 15. Subsection (1) of section 382.008, Florida
6 Statutes, 1998 Supplement, is amended to read:

7 382.008 Death and fetal death registration.--

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

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

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

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

4 Section 16. Subsections (1), (2), and (4) of section
5 382.013, Florida Statutes, 1998 Supplement, are amended to
6 read:

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

16 (1) FILING.--

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

26 (b) If a birth occurs outside a facility and a
27 physician licensed in this state, a certified nurse midwife, a
28 midwife licensed in this state, or a public health nurse
29 employed by the department was in attendance during or
30 immediately after the delivery, that person shall prepare and
31 file the certificate.

1 (c) If a birth occurs outside a facility and the
2 delivery is not attended by one of the persons described in
3 paragraph (b), the person in attendance, the mother, or the
4 father shall report the birth to the registrar and provide
5 proof of the facts of birth. The department may require such
6 documents to be presented and such proof to be filed as it
7 deems necessary and sufficient to establish the truth of the
8 facts to be recorded by the certificate and may withhold
9 registering the birth until its requirements are met.~~the~~
10 ~~child is not taken to the facility within 3 days after~~
11 ~~delivery, the certificate shall be prepared and filed by one~~
12 ~~of the following persons in the indicated order of priority:~~
13 1. ~~The physician or midwife in attendance during or~~
14 ~~immediately after the birth.~~
15 2. ~~In the absence of persons described in subparagraph~~
16 ~~1., any other person in attendance during or immediately after~~
17 ~~the birth.~~
18 3. ~~In the absence of persons described in subparagraph~~
19 ~~2., the father or mother.~~
20 4. ~~In the absence of the father and the inability of~~
21 ~~the mother, the person in charge of the premises where the~~
22 ~~birth occurred.~~
23 (d)(e) If a birth occurs in a moving conveyance and
24 the child is first removed from the conveyance in this state,
25 the birth shall be filed and registered in this state and the
26 place to which the child is first removed shall be considered
27 the place of birth.
28 (e)(d) The mother or the father ~~At least one of the~~
29 ~~parents~~ of the child shall attest to the accuracy of the
30 personal data entered on the certificate in time to permit the
31 timely registration of the certificate.

1 (f)~~(e)~~ If a certificate of live birth is incomplete,
2 the local registrar shall immediately notify the health care
3 facility or person filing the certificate and shall require
4 the completion of the missing items of information if they can
5 be obtained prior to issuing certified copies of the birth
6 certificate.

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

12 (2) PATERNITY.--

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

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

23 (c) If the mother is not married at the time of birth,
24 the name of the father may not be entered on the birth
25 certificate without the execution of a consenting affidavit
26 signed by both the mother and the person to be named as the
27 father. After giving notice orally or through the use of
28 video or audio equipment, and in writing, of the alternatives
29 to, the legal consequences of, and the rights, including, if
30 one parent is a minor, any rights afforded due to minority
31 status, and responsibilities that arise from signing an

1 acknowledgment of paternity, the facility shall provide the
2 mother and the person to be named as the father with the
3 affidavit, as well as information provided by the Title IV-D
4 agency established pursuant to s. 409.2557, regarding the
5 benefits of voluntary establishment of paternity. Upon request
6 of the mother and the person to be named as the father, the
7 facility shall assist in the execution of the affidavit.

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

15 (e) If the father is not named on the certificate, no
16 other information about the father shall be entered on the
17 certificate.

18 (4) UNDETERMINED PARENTAGE.--The person having custody
19 of a child of undetermined parentage shall register a birth
20 certificate shall be registered for every child of
21 undetermined parentage showing all known or approximate facts
22 relating to the birth. To assist in later determination,
23 information concerning the place and circumstances under which
24 the child was found shall be included on the portion of the
25 birth certificate relating to marital status and medical
26 details. In the event the child is later identified ~~to the~~
27 ~~satisfaction of the department~~, a new birth certificate shall
28 be prepared which shall bear the same number as the original
29 birth certificate, and the original certificate shall be
30 sealed and filed, shall be confidential and exempt from the
31 provisions of s. 119.07(1), and shall not be opened to

1 inspection by, nor shall certified copies of the same be
2 issued except by court order to, any person other than the
3 registrant if of legal age.

4 Section 17. Section 382.015, Florida Statutes, is
5 amended to read:

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

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

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

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

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

16 (2) DETERMINATION OF PATERNITY.--

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

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

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

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

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

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

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

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

19 Section 18. Subsections (3), (4), and (5) are added to
20 section 382.016, Florida Statutes, to read:

21 382.016 Amendment of records.--

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

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

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

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

28 Section 19. Section 382.019, Florida Statutes, is
29 amended to read:

30 382.019 Delayed registration; administrative
31 procedures.--

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

8 (2) The department may require such supporting
9 documents to be presented and such proof to be filed as it
10 deems necessary and sufficient to establish the truth of the
11 facts to be recorded by the certificate, and may withhold
12 registering the birth, death, or fetal death certificate until
13 its requirements are met.

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

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

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

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

28 (7) A delayed death or fetal death record shall be
29 registered on a certificate of death or fetal death and marked
30 "delayed."
31

1 (8) In addition to the rulemaking authority found at
2 s. 382.003(10), the department may, by rule, provide for the
3 dismissal of an application that is not pursued within 1 year.

4 Section 20. Subsections (1) and (2) of section
5 382.025, Florida Statutes, are amended to read:

6 382.025 Certified copies of vital records;
7 confidentiality; research.--

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

12 (a) Certified copies of the original birth certificate
13 or a new or amended certificate, or affidavits thereof, are
14 confidential and exempt from the provisions of s. 119.07(1)
15 and, upon receipt of a request and payment of the fee
16 prescribed in s. 382.0255, shall be issued only as authorized
17 by the department and in the form prescribed by the
18 department, and only:

- 19 1. To the registrant, if of legal age;
- 20 2. To the registrant's parent or guardian or other
21 legal representative;
- 22 3. Upon receipt of the registrant's death certificate,
23 to the registrant's spouse or to the registrant's child,
24 grandchild, or sibling, if of legal age, or to the legal
25 representative of any of such persons;
- 26 4. To any person if the birth record is over 100 years
27 old and not under seal pursuant to court order;
- 28 5. To a law enforcement agency for official purposes;
- 29 6. To any agency of the state or the United States for
30 official purposes upon approval of the department; or
- 31 7. Upon order of any court of competent jurisdiction.

1 (b) To protect the integrity of vital records and
2 prevent the fraudulent use of the birth certificates of
3 deceased persons, the department shall match birth and death
4 certificates and post the fact of death to the appropriate
5 birth certificate. Except for a commemorative birth
6 certificate, any ~~A~~ certification of a birth certificate of a
7 deceased registrant shall be marked "deceased." In the case of
8 a commemorative birth certificate, such indication of death
9 shall be made on the back of the certificate.

10 (c) The department shall issue, upon request and upon
11 payment of an additional fee as prescribed under s. 382.0255,
12 a commemorative birth certificate representing that the birth
13 of the person named thereon is recorded in the office of the
14 registrar. The certificate issued under this paragraph shall
15 be in a form consistent with the need to protect the integrity
16 of vital records but shall be suitable for display. It may
17 bear the seal of the state printed thereon and may be signed
18 by the Governor.

19 (2) OTHER RECORDS.--

20 (a) The department shall authorize the issuance of a
21 certified copy of all or part of any marriage, dissolution of
22 marriage, or death or fetal death certificate, excluding that
23 portion which is confidential and exempt from the provisions
24 of s. 119.07(1) as provided under s. 382.008, to any person
25 requesting it upon receipt of a request and payment of the fee
26 prescribed by this section. A certification of the death or
27 fetal death certificate which includes the confidential
28 portions shall be issued only:

29 1. To the registrant's spouse or parent, or to the
30 registrant's child, grandchild, or sibling, if of legal age,
31 or to any person ~~family member~~ who provides a will that has

1 been executed pursuant to s. 732.502, insurance policy, or
2 other document that demonstrates his or her ~~the family~~
3 ~~member's~~ interest in the estate of the registrant, or to any
4 person who provides documentation that he or she is acting on
5 behalf of any of them;

6 2. To any agency of the state or local government or
7 the United States for official purposes upon approval of the
8 department; or

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

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

13 (c) The department shall issue, upon request and upon
14 payment of an additional fee prescribed by this section, a
15 commemorative marriage license representing that the marriage
16 of the persons named thereon is recorded in the office of the
17 registrar. The certificate issued under this paragraph shall
18 be in a form consistent with the need to protect the integrity
19 of vital records but shall be suitable for display. It may
20 bear the seal of the state printed thereon and may be signed
21 by the Governor.

22 Section 21. Subsection (2) of section 382.0255,
23 Florida Statutes, is amended to read:

24 382.0255 Fees.--

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

1 s. 402.40. ~~Fifty cents of the fee shall be available for~~
2 ~~appropriation to the department for administration of this~~
3 ~~chapter.~~

4 Section 22. Paragraph (e) of subsection (3) and
5 subsection (5) of section 383.14, Florida Statutes, are
6 amended to read:

7 383.14 Screening for metabolic disorders, other
8 hereditary and congenital disorders, and environmental risk
9 factors.--

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

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

20
21 All provisions of this subsection must be coordinated with the
22 provisions and plans established under this chapter, chapter
23 411, and Pub. L. No. 99-457.

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

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

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

17 (b) Procedures for collection and transmission of
18 specimens and recording of results; and

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

23 Section 23. Subsection (4) of section 385.202, Florida
24 Statutes, is amended to read:

25 385.202 Statewide cancer registry.--

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

31

1 information to the reporting facilities. ~~Such reporting~~
2 ~~hospitals shall be reimbursed for reasonable costs.~~

3 Section 24. Section 385.203, Florida Statutes, is
4 amended to read:

5 385.203 Diabetes Advisory Council; creation; function;
6 membership.--

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

14 (a) Provide statewide leadership to continuously
15 improve the lives of Floridians with diabetes and reduce the
16 burden of diabetes.

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

20 ~~(b) Provide advice and consultation to the deans of~~
21 ~~the medical schools in which are located diabetes centers, and~~
22 ~~by June 30 of each year, the council shall submit written~~
23 ~~recommendations to the deans regarding the need for diabetes~~
24 ~~education, treatment, and research activities to promote the~~
25 ~~prevention and control of diabetes.~~

26 (c) By June 30 of each year, meet with the Secretary
27 of Health or ~~his or her~~ designee to make specific
28 recommendations regarding the public health aspects of the
29 prevention and control of diabetes.

30 (2) The members of the council shall be appointed by
31 the Governor with advice from ~~nominations by the Board of~~

1 ~~Regents, the Board of Trustees of the University of Miami, and~~
2 the Secretary of Health. Members shall serve 4-year terms or
3 until their successors are appointed or qualified.

4 (3) The council shall be composed of 25 ~~18~~ citizens of
5 the state who have knowledge of, or work in the area of
6 diabetes mellitus as follows:

7 (a) Five interested citizens, three of whom are
8 affected by diabetes.

9 (b) Twenty members, who must include one
10 representative from each of the following areas: nursing with
11 diabetes-educator certification; dietary with diabetes
12 educator certification; podiatry; ophthalmology or optometry;
13 psychology; pharmacy; adult endocrinology; pediatric
14 endocrinology; the American Diabetes Association (ADA); the
15 Juvenile Diabetes Foundation (JDF); a community health center;
16 a county health department; an American Diabetes
17 Association-recognized community education program; each
18 medical school in the state; an osteopathic medical school;
19 the insurance industry; a Children's Medical Services diabetes
20 regional program; and an employer.

21 (c) One or more representatives from the Department of
22 Health, who shall serve on the council as ex officio members.
23 ~~four practicing physicians; one representative from each~~
24 ~~medical school; seven interested citizens, at least three of~~
25 ~~whom shall be persons who have or have had diabetes mellitus~~
26 ~~or who have a child with diabetes mellitus; the Secretary of~~
27 ~~Health or his or her designee; one representative from the~~
28 ~~Division of Children's Medical Services of the Department of~~
29 ~~Health; and one professor of nutrition.~~

30 (4)(a) The council shall annually elect from its
31 members a chair and vice chair ~~a secretary~~. The council shall

1 meet at the chair's discretion; however, at least three
2 meetings shall be held each year.

3 (b) In conducting its meetings, the council shall use
4 accepted rules of procedure. A majority of the members of the
5 council constitutes a quorum, and action by a majority of a
6 quorum is necessary for the council to take any official
7 action. The Department of Health ~~secretary~~ shall keep a
8 complete record of the proceedings of each meeting. The
9 record shall show the names of the members present and the
10 actions taken. The records shall be kept on file with the
11 department, and these and other documents about matters within
12 the jurisdiction of the council may be inspected by members of
13 the council.

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

18 (6) The department shall serve as an intermediary for
19 the council if the council coordinates, applies for, or
20 accepts any grants, funds, gifts, or services made available
21 to it by any agency or department of the Federal Government,
22 or any private agency or individual, for assistance in the
23 operation of the council ~~or the diabetes centers established~~
24 ~~in the various medical schools.~~

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

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

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

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

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

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

13 (b) Providing local oversight of the program.

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

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

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

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

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

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

31

1 Section 26. Section 391.0315, Florida Statutes, 1998
2 Supplement, is amended to read:

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

17 Section 27. Subsection (3) of section 392.69, Florida
18 Statutes, is amended, and subsection (4) is added to that
19 section, to read:

20 392.69 Appropriation, sinking, and maintenance trust
21 funds; additional powers of the department.--

22 (3) In the execution of its public health program
23 functions, notwithstanding chapter 216,the department is
24 hereby authorized to use any sums of money which it may
25 heretofore have saved or which it may hereafter save from its
26 regular operating appropriation, or use any sums of money
27 acquired by gift or grant, or any sums of money it may acquire
28 by the issuance of revenue certificates of the hospital to
29 match or supplement any state or federal funds, or any moneys
30 received by said department by gift or otherwise, for the
31 construction or maintenance of additional facilities or

1 improvement to existing facilities, as the department deems
2 necessary.

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

11 Section 28. Subsection (7) is added to section 401.25,
12 Florida Statutes, to read:

13 401.25 Licensure as a basic life support or an
14 advanced life support service.--

15 (7)(a) Each basic-life-support-permitted ambulance of
16 a licensee not specifically exempted from this part, when
17 transporting a person who is sick, injured, wounded,
18 incapacitated, or helpless, must be occupied by at least two
19 persons: one patient attendant who is a certified emergency
20 medical technician, certified paramedic, or licensed physician
21 and one ambulance driver who meets the requirements of s.
22 401.281. This subsection does not apply to interfacility
23 transfers governed by s. 401.252(1).

24 (b) Each advanced-life-support-permitted ambulance of
25 a licensee not specifically exempted from this part, when
26 transporting a person who is sick, injured, wounded,
27 incapacitated, or helpless must be occupied by at least two
28 persons: one who is a certified paramedic or licensed
29 physician and one who is a certified emergency medical
30 technician, certified paramedic, or licensed physician who
31 also meets the requirements of s. 401.281 for drivers. The

1 person with the highest medical certifications shall be in
2 charge of patient care. This subsection does not apply to
3 interfacility transfers governed by s. 401.252(1).

4 Section 29. Subsection (3) of section 401.27, Florida
5 Statutes, is amended to read:

6 401.27 Personnel; standards and certification.--

7 (3) Any person who desires to be certified or
8 recertified as an emergency medical technician or paramedic
9 must apply under oath to the department on forms provided by
10 the department. The department shall determine whether the
11 applicant meets the requirements specified in this section and
12 in rules of the department and shall issue a certificate to
13 any person who meets such requirements.

14 Section 30. Present subsection (2) of section 401.30,
15 Florida Statutes, 1998 Supplement, is redesignated as
16 subsection (3), and a new subsection (2) is added to that
17 section, to read:

18 401.30 Records.--

19 (2) Each licensee must provide the receiving hospital
20 with a copy of an individual patient care record for each
21 patient who is transported to the hospital. The information
22 contained on the record and the method and timeframe for
23 providing the record shall be prescribed by rule of the
24 department.

25 Section 31. Paragraph (1) is added to subsection (1)
26 and paragraph (h) of subsection (2) of section 401.35, Florida
27 Statutes, is amended to read:

28 401.35 Rules.--The department shall adopt rules
29 necessary to carry out the purposes of this part.

30 (1) The rules must provide at least minimum standards
31 governing:

1 (1) Licensees' security and storage of controlled
2 substances, medications, and fluids that are not inconsistent
3 with the requirements of chapter 499 or chapter 893.

4 (2) The rules must establish application requirements
5 for licensure and certification. Pursuant thereto, the
6 department must develop application forms for basic life
7 support services and advanced life support services. An
8 application for each respective service license must include,
9 but is not limited to:

10 (h) Such other information as the department
11 determines reasonable and necessary. An oath by the authorized
12 representative of the licensed service that all information,
13 documents, and statements are true and correct.

14 Section 32. Section 401.49, Florida Statutes, is
15 created to read:

16 401.49 Approval of emergency medical technicians and
17 paramedic programs.--

18 (1) Any private or public institution in this state
19 which desires to conduct an approved program for educating
20 emergency medical technicians and paramedics must submit to
21 the department a completed application on a form provided by
22 the department which includes:

23 (a) Evidence that the institution is in compliance
24 with all applicable requirements of the Department of
25 Education.

26 (b) Evidence that the institution has an agreement of
27 affiliation with a hospital that has an emergency department
28 staffed by at least one physician and one registered nurse.

29 (c) Evidence that the institution has an agreement of
30 affiliation with an emergency medical service provider that
31 holds a current license in this state. Such agreement must

1 include, at a minimum, a commitment by the provider to conduct
2 the field-experience portion of the education program.

3 (d) Documentation verifying that the institution's
4 faculty includes:

5 1. A medical director who is a licensed physician who
6 meets the applicable requirements for an EMS medical director,
7 as outlined in this chapter and rules of the department. The
8 medical director shall certify graduates who have successfully
9 completed all phases of the education program and are
10 proficient in basic or advanced life-support techniques, as
11 applicable.

12 2. A program director who is responsible for the
13 operation, organization, periodic review, administration,
14 development, and approval of the program.

15 (e) Documentation verifying that the curriculum:

16 1. Meets the requirements for course guides and
17 instructor's lesson plans in the most recent Emergency Medical
18 Technician Basic National Standard Curricula for emergency
19 medical technician programs and the Emergency Medical
20 Technician Paramedic National Standard Curricula for paramedic
21 programs.

22 2. Includes 2 hours of instruction on the trauma
23 scorecard methodologies for assessment of adult trauma
24 patients and pediatric trauma patients, as specified by the
25 department by rule.

26 3. Includes 4 hours of instruction on HIV and AIDS,
27 which is consistent with the requirements of chapter 381.

28 (f) Evidence that the institution has sufficient
29 medical and educational equipment to meet the program needs
30 for training in emergency medical services.

31

1 (2) The department must schedule a site visit to the
2 applicant's institution within 30 days after notifying the
3 institution that the application is accepted. During the site
4 visit, the department must determine the applicant's
5 compliance with the following criteria:

6 (a) The program for emergency medical technicians must
7 require a minimum of 110 hours, with at least 20 hours of
8 supervised clinical supervision that includes 10 hours in a
9 hospital emergency department.

10 (b) The program for paramedics must be available only
11 to an emergency medical technician who is certified in this
12 state or to an applicant for certification as an emergency
13 medical technician who obtains such certification prior to
14 completing phase one of the paramedic program. The paramedic
15 program must require a minimum of 700 hours of didactic and
16 skills-practice components, with a student-to-instructor ratio
17 for the skills laboratory which does not exceed six to one. A
18 paramedic program must provide field-internship experience
19 aboard an ALS permitted ambulance.

20 (3) After completing the site visit, the department
21 shall provide a report to the institution. Upon completion of
22 the report, the application is complete and s. 120.60 applies.

23 (4) If the program is approved, the department shall
24 issue the institution a 2-year certificate of approval as an
25 emergency medical technician training program or a paramedic
26 training program. If the application is denied, the department
27 must notify the applicant of areas of strength, areas that
28 need improvement, and suggested means of improving the
29 program. A notice of denial must be provided to the applicant
30 so that the applicant has at least 5 days in which to advise
31 the department in writing under s. 120.60 of its intent to

1 submit a plan of correction. Notice of such intent tolls the
2 time for processing the application under s. 120.60. The plan
3 of correction must be submitted to the department within 30
4 days after the notice. The department shall advise the
5 applicants of its approval or denial of the plan of correction
6 within 30 days after receipt of the plan of correction. The
7 denial of a plan of correction or an application is subject to
8 review under chapter 120.

9 (5) Each approved emergency medical services training
10 program shall maintain records and reports that must be made
11 available to the department upon written request. Such records
12 include student applications, records of attendance, records
13 of participation in hospital clinic and field training,
14 medical records, course objectives and outlines, class
15 schedules, learning objectives, lesson plans, the number of
16 applicants, the number of students accepted, admission
17 requirements, descriptions of qualifications, duties and
18 responsibilities of the institution's faculty, and
19 correspondence.

20 (6) Each approved program must notify the department
21 within 30 days following any change in the status of a faculty
22 member. Each approved program must require its students to
23 pass a comprehensive final written and practical examination
24 that evaluates the skills described in the most current
25 Emergency Medical Technician Basic or Emergency Medical
26 Technician Paramedic National Standard Curriculum of the
27 United States Department of Transportation. Each approved
28 program must issue a certification of completion to a graduate
29 within 14 days after successful completion of the program.

30 Section 33. Subsection (3) of section 409.9126,
31 Florida Statutes, 1998 Supplement, is amended to read:

1 409.9126 Children with special health care needs.--
2 (3) Services provided through the Children's Medical
3 Services network shall be reimbursed on a fee-for-service
4 basis and shall utilize a primary care case management
5 process. Beginning July 1, 1999, the Florida Medicaid program
6 shall phase in by geographical area, capitation payments to
7 Children's Medical Services for services provided to Medicaid
8 children with special healthcare needs. By January 1, 2001,
9 the Agency for Health Care Administration shall make
10 capitation payments for Children's Medical Services enrollees
11 statewide, to the extent provided by federal law.~~However,~~
12 ~~effective July 1, 1999, reimbursement to the Children's~~
13 ~~Medical Services program for services provided to~~
14 ~~Medicaid-eligible children with special health care needs~~
15 ~~through the Children's Medical Services network shall be on a~~
16 ~~capitated basis.~~

17 Section 34. Paragraph (a) of subsection (2) of section
18 465.019, Florida Statutes, 1998 Supplement, is amended to
19 read:

20 465.019 Institutional pharmacies; permits.--

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

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

31

1 Section 35. Subsections (14), (15), (16), (19), and
2 (22) of section 499.005, Florida Statutes, 1998 Supplement,
3 are amended, and subsection (24) is added to that section, to
4 read:

5 499.005 Prohibited acts.--It is unlawful to perform or
6 cause the performance of any of the following acts in this
7 state:

8 (14) The purchase or receipt of a legend drug from a
9 person that is not authorized under this chapter ~~the law of~~
10 ~~the state in which the person resides~~ to distribute legend
11 drugs.

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

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

20 (19) Providing the department with false or fraudulent
21 records, or making false or fraudulent statements, regarding
22 any matter within the provisions of this chapter ~~a drug,~~
23 ~~device, or cosmetic.~~

24 (22) Failure to obtain a permit or registration, or
25 operating without a valid permit when a permit or registration
26 is, as required by ss. 499.001-499.081 for that activity.

27 (24) The distribution of a legend device to the
28 patient or ultimate consumer without a prescription or order
29 from a practitioner licensed by law to use or prescribe the
30 device.

31

1 Section 36. Subsection (13) of section 499.007,
2 Florida Statutes, is amended to read:

3 499.007 Misbranded drug or device.--A drug or device
4 is misbranded:

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

8 (a) "Caution: Federal Law Prohibits Dispensing
9 Without Prescription"; ~~or~~

10 (b) "Rx Only";

11 (c) The prescription symbol followed by the word
12 "Only"; or

13 (d)~~(b)~~ "Caution: State Law Prohibits Dispensing
14 Without Prescription."

15
16 A drug dispensed by filling or refilling a written or oral
17 prescription of a practitioner licensed by law to prescribe
18 such drug is exempt from the requirements of this section,
19 except subsections (1), (8), (10), and (11) and the packaging
20 requirements of subsections (6) and (7), if the drug bears a
21 label that contains the name and address of the dispenser or
22 seller, the prescription number and the date the prescription
23 was written or filled, the name of the prescriber and the name
24 of the patient, and the directions for use and cautionary
25 statements. This exemption does not apply to any drug
26 dispensed in the course of the conduct of a business of
27 dispensing drugs pursuant to diagnosis by mail or to any drug
28 dispensed in violation of subsection (12). The department
29 may, by rule, exempt drugs subject to ss. 499.062-499.064 from
30 subsection (12) if compliance with that subsection is not
31 necessary to protect the public health, safety, and welfare.

1 Section 37. Subsection (15) of section 499.028,
2 Florida Statutes, is amended to read:

3 499.028 Drug samples or complimentary drugs; starter
4 packs; permits to distribute.--

5 (15) A person may not possess a prescription drug
6 sample unless:

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

9 (b) She or he is the employee of a complimentary drug
10 distributor that holds a permit issued under ss.
11 499.001-499.081.

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

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

17 Section 38. Subsection (1) of section 499.066, Florida
18 Statutes, is amended to read:

19 499.066 Penalties; remedies.--In addition to other
20 penalties and other enforcement provisions:

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

29 (a) If formal proceedings have been requested and the
30 matter has been referred to the Division of Administrative
31 Hearings, a motion to abate or modify the cease and desist

1 order may be filed with the division. Any interlocutory order
2 of the presiding administrative law judge shall be binding on
3 the parties until final agency action is taken by the
4 department.

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

8 (c) If a person is aggrieved by a cease and desist
9 order after seeking to have the order abated or modified
10 pursuant to paragraph (a) or paragraph (b), the person may
11 seek interlocutory judicial review by the appropriate district
12 court of appeal pursuant to the applicable rules of appellate
13 procedure.

14 Section 39. Subsection (1) of section 499.069, Florida
15 Statutes, is amended to read:

16 499.069 Punishment for violations of s. 499.005;
17 dissemination of false advertisement.--

18 (1) Any person who violates any of the provisions of
19 s. 499.005 is guilty of a misdemeanor of the second degree,
20 punishable as provided in s. 775.082 or s. 775.083; but, if
21 the violation is committed after a conviction of such person
22 under this section has become final, such person is guilty of
23 a misdemeanor of the first degree, punishable as provided in
24 s. 775.082 or s. 775.083 or as otherwise provided in ss.
25 499.001-499.081, except that any person who violates
26 subsection (8), subsection (10), subsection (14), subsection
27 (15), ~~subsection (16)~~, or subsection (17) of s. 499.005 is
28 guilty of a felony of the third degree, punishable as provided
29 in s. 775.082, s. 775.083, or s. 775.084, or as otherwise
30 provided in ss. 499.001-499.081.

31

1 Section 40. Subsection (1) of section 742.10, Florida
2 Statutes, is amended to read:

3 742.10 Establishment of paternity for children born
4 out of wedlock.--

5 (1) This chapter provides the primary jurisdiction and
6 procedures for the determination of paternity for children
7 born out of wedlock. When the establishment of paternity has
8 been raised and determined within an adjudicatory hearing
9 brought under the statutes governing inheritance, or
10 dependency under workers' compensation or similar compensation
11 programs, or when an affidavit acknowledging paternity or a
12 stipulation of paternity is executed by both parties and filed
13 with the clerk of the court, or when a consenting affidavit as
14 provided for in s. 382.013 or s. 382.016 ~~s. 382.015~~ is
15 executed by both parties, it shall constitute the
16 establishment of paternity for purposes of this chapter. If no
17 adjudicatory proceeding was held, a voluntary acknowledgment
18 of paternity shall create a rebuttable presumption, as defined
19 by s. 90.304, of paternity and is subject to the right of any
20 signatory to rescind the acknowledgment within 60 days of the
21 date the acknowledgment was signed or the date of an
22 administrative or judicial proceeding relating to the child,
23 including a proceeding to establish a support order, in which
24 the signatory is a party, whichever is earlier. Both parents
25 are required to provide their social security numbers on any
26 acknowledgment of paternity, consent affidavit, or stipulation
27 of paternity. Except for consenting affidavits under seal
28 pursuant to ~~ss.~~s. 382.015 and 382.016, the Office of Vital
29 Statistics shall provide certified copies of affidavits to the
30 Title IV-D agency upon request.

31

1 Section 41. Section 39.303, Florida Statutes, 1998
2 Supplement, is amended to read:

3 39.303 Child protection teams; services; eligible
4 cases.--~~The Division of Children's Medical Services of the~~
5 Department of Health shall develop, maintain, and coordinate
6 the services of one or more multidisciplinary child protection
7 teams in each of the service districts of the Department of
8 Children and Family Services. Such teams may be composed of
9 representatives of appropriate health, mental health, social
10 service, legal service, and law enforcement agencies. The
11 Legislature finds that optimal coordination of child
12 protection teams and sexual abuse treatment programs requires
13 collaboration between the Department of Health and the
14 Department of Children and Family Services. The two
15 departments shall maintain an interagency agreement that
16 establishes protocols for oversight and operations of child
17 protection teams and sexual abuse treatment programs. The
18 Secretary of Health and the director of ~~Deputy Secretary for~~
19 Children's Medical Services, in consultation with the
20 Secretary of Children and Family Services, shall maintain the
21 responsibility for the screening, employment, and, if
22 necessary, the termination of child protection team medical
23 directors, at headquarters and in the 15 districts. Child
24 protection team medical directors shall be responsible for
25 oversight of the teams in the districts.

26 (1) The Department of Health shall utilize and convene
27 the teams to supplement the assessment and protective
28 supervision activities of the family safety and preservation
29 program of the Department of Children and Family Services.
30 Nothing in this section shall be construed to remove or reduce
31 the duty and responsibility of any person to report pursuant

1 to this chapter all suspected or actual cases of child abuse,
2 abandonment, or neglect or sexual abuse of a child. The role
3 of the teams shall be to support activities of the program and
4 to provide services deemed by the teams to be necessary and
5 appropriate to abused, abandoned, and neglected children upon
6 referral. The specialized diagnostic assessment, evaluation,
7 coordination, consultation, and other supportive services that
8 a child protection team shall be capable of providing include,
9 but are not limited to, the following:

10 (a) Medical diagnosis and evaluation services,
11 including provision or interpretation of X rays and laboratory
12 tests, and related services, as needed, and documentation of
13 findings relative thereto.

14 (b) Telephone consultation services in emergencies and
15 in other situations.

16 (c) Medical evaluation related to abuse, abandonment,
17 or neglect, as defined by policy or rule of the Department of
18 Health.

19 (d) Such psychological and psychiatric diagnosis and
20 evaluation services for the child or the child's parent or
21 parents, legal custodian or custodians, or other caregivers,
22 or any other individual involved in a child abuse,
23 abandonment, or neglect case, as the team may determine to be
24 needed.

25 (e) Expert medical, psychological, and related
26 professional testimony in court cases.

27 (f) Case staffings to develop treatment plans for
28 children whose cases have been referred to the team. A child
29 protection team may provide consultation with respect to a
30 child who is alleged or is shown to be abused, abandoned, or
31 neglected, which consultation shall be provided at the request

1 of a representative of the family safety and preservation
2 program or at the request of any other professional involved
3 with a child or the child's parent or parents, legal custodian
4 or custodians, or other caregivers. In every such child
5 protection team case staffing, consultation, or staff activity
6 involving a child, a family safety and preservation program
7 representative shall attend and participate.

8 (g) Case service coordination and assistance,
9 including the location of services available from other public
10 and private agencies in the community.

11 (h) Such training services for program and other
12 employees of the Department of Children and Family Services,
13 employees of the Department of Health, and other medical
14 professionals as is deemed appropriate to enable them to
15 develop and maintain their professional skills and abilities
16 in handling child abuse, abandonment, and neglect cases.

17 (i) Educational and community awareness campaigns on
18 child abuse, abandonment, and neglect in an effort to enable
19 citizens more successfully to prevent, identify, and treat
20 child abuse, abandonment, and neglect in the community.

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

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

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

31

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

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

6 (e) Reported malnutrition of a child and failure of a
7 child to thrive.

8 (f) Reported medical, physical, or emotional neglect
9 of a child.

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

15 (h) Symptoms of serious emotional problems in a child
16 when emotional or other abuse, abandonment, or neglect is
17 suspected.

18 (3) In all instances in which a child protection team
19 is providing certain services to abused, abandoned, or
20 neglected children, other offices and units of the Department
21 of Health, and offices and units of the Department of Children
22 and Family Services, shall avoid duplicating the provision of
23 those services.

24 Section 42. Subsection (3) of section 385.203, Florida
25 Statutes, is amended to read:

26 385.203 Diabetes Advisory Council; creation; function;
27 membership.--

28 (3) The council shall be composed of 18 citizens of
29 the state as follows: four practicing physicians; one
30 representative from each medical school; seven interested
31 citizens, at least three of whom shall be persons who have or

1 have had diabetes mellitus or who have a child with diabetes
2 mellitus; the Secretary of Health or his or her designee; one
3 representative from the ~~Division of Children's Medical~~
4 ~~Services of the~~ Department of Health who represents Children's
5 Medical Services; and one professor of nutrition.

6 Section 43. Subsection (8) of section 391.021, Florida
7 Statutes, 1998 Supplement, is amended to read:

8 391.021 Definitions.--When used in this act, unless
9 the context clearly indicates otherwise:

10 (8) "Program" means the Children's Medical Services
11 program established in the ~~Division of Children's Medical~~
12 ~~Services of the~~ department.

13 Section 44. Paragraph (b) of subsection (1) of section
14 391.221, Florida Statutes, 1998 Supplement, is amended to
15 read:

16 391.221 Statewide Children's Medical Services Network
17 Advisory Council.--

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

23 (b) Making recommendations to the director of ~~the~~
24 ~~Division of~~ Children's Medical Services concerning the
25 selection of health care providers for the Children's Medical
26 Services network.

27 Section 45. Subsection (1) of section 391.222, Florida
28 Statutes, 1998 Supplement, is amended to read:

29 391.222 Cardiac Advisory Council.--

30 (1) The secretary of the department may appoint a
31 Cardiac Advisory Council for the purpose of acting as the

1 advisory body to the Department of Health ~~Division of~~
2 ~~Children's Medical Services~~ in the delivery of cardiac
3 services to children. Specifically, the duties of the council
4 shall include, but not be limited to:

5 (a) Recommending standards for personnel and
6 facilities rendering cardiac services ~~for the Division of~~
7 ~~Children's Medical Services~~;

8 (b) Receiving reports of the periodic review of
9 cardiac personnel and facilities to determine if established
10 standards for the ~~Division of Children's Medical Services~~
11 cardiac services are met;

12 (c) Making recommendations to the ~~division~~ director as
13 to the approval or disapproval of reviewed personnel and
14 facilities;

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

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

20 Section 46. Section 391.223, Florida Statutes, 1998
21 Supplement, is amended to read:

22 391.223 Technical advisory panels.--The secretary of
23 the department may establish technical advisory panels to
24 assist ~~the Division of Children's Medical Services~~ in
25 developing specific policies and procedures for the Children's
26 Medical Services program.

27 Section 47. Subsection (4) of section 63.162, Florida
28 Statutes, is amended to read:

29 63.162 Hearings and records in adoption proceedings;
30 confidential nature.--

31

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

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

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

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

13 (d) Upon order of the court for good cause shown and
14 pursuant to a petition filed in accordance with subsection
15 (7). In determining whether good cause exists, the court
16 shall give primary consideration to the best interests of the
17 adoptee, but must also give due consideration to the interests
18 of the adoptive and birth parents. Factors to be considered
19 in determining whether good cause exists include, but are not
20 limited to:

21 1. The reason the information is sought;

22 2. The existence of means available to obtain the
23 desired information without disclosing the identity of the
24 birth parents, such as by having the court, an intermediary ~~a~~
25 ~~person appointed by the court~~, the department, or the licensed
26 child-placing agency contact the birth parents and request
27 specific information;

28 3. The desires, to the extent known, of the adoptee,
29 the adoptive parents, and the birth parents;

30 4. The age, maturity, judgment, and expressed needs of
31 the adoptee; and

1 5. The recommendation of the department, licensed
2 child-placing agency, or professional which prepared the
3 preliminary study and home investigation, or the department if
4 no such study was prepared, concerning the advisability of
5 disclosure.

6 Section 48. Subsection (3) of section 381.731, Florida
7 Statutes, as amended by section 2 of chapter 98-224, Laws of
8 Florida, is repealed.

9 Section 49. Subsection (5) of section 383.307, Florida
10 Statutes, is repealed.

11 Section 50. Subsection (7) of section 404.20, Florida
12 Statutes, is repealed.

13 Section 51. Section 409.9125, Florida Statutes, is
14 repealed.

15 Section 52. The building that is known as the "1911
16 State Board of Health Building" which is part of a
17 multi-building complex with the address of 1217 Pearl Street,
18 Jacksonville, Florida, shall be known as the "Wilson T.
19 Sowder, M.D., Building."

20 Section 53. The building authorized by chapter 98-307,
21 Laws of Florida, which will be located on Seagrape Drive on
22 the Tampa Campus of the University of South Florida which will
23 house laboratory facilities for the Department of Health shall
24 be known as the "William G. 'Doc' Myers, M.D., Building."

25 Section 54. The Department of Health headquarters
26 building which will comprise approximately 100,000 square feet
27 which is authorized by Specific Appropriation 1986 in the
28 1998-1999 General Appropriations Act shall be known as the "E.
29 Charlton Prather, M.D., Building."

30 Section 55. The Department of Health is authorized to
31 apply for and become a National Environmental Laboratory

1 Accreditation program accrediting authority. It is the
2 specific intent of the Legislature that the Department of
3 Health shall have the authority to adopt rules to implement
4 standards of the National Environmental Laboratory
5 Accreditation Program, as appropriate, and rules to implement
6 this section, including but not limited to, fees, application
7 processing, and compliance. All standards applicable to
8 laboratories and all other rules pursuant to this section
9 shall be adopted pursuant to chapter 120, Florida Statutes.

10 Section 56. This act shall take effect July 1, 1999.

11
12 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
13 COMMITTEE SUBSTITUTE FOR
14 Senate Bill 2220

15 The committee substitute authorizes the Department of Health
16 to adopt rules to inspect certain group facilities and to
17 impose fines for violations of its rules. The bill revises the
18 membership of the Diabetes Advisory Council. The bill revises
19 the implementation of a plan to reimburse providers through
20 the Children's Medical Services program for services provided
21 to Medicaid eligible children with special health care needs
22 on a capitated basis. The bill gives the Department of Health
23 specific statutory authority to approve training programs for
24 emergency medical technicians and paramedics and to establish
25 minimum requirements for the staffing of permitted emergency
26 medical vehicles; patient records; the security and storage of
27 medications, controlled substances, and fluid on permitted
28 emergency medical vehicles; and documents that must be
29 submitted to the department under oath. The bill authorizes
30 licensed nursing homes to administer medical oxygen to their
31 residents without being a licensed pharmacy. The bill
authorizes the Department of Health to apply for and become a
National Environmental Laboratory Accreditation program
accrediting authority.