

By Senator Saunders

25-700A-01

See HB

1 A bill to be entitled
2 An act relating to public health; amending ss.
3 39.201, 63.0423, 383.50, 827.035, F.S.;
4 expanding the type of personnel and facilities
5 that may accept abandoned newborns; amending s.
6 232.465, F.S.; expanding the type of personnel
7 that may supervise nonmedical school district
8 personnel; providing technical corrections;
9 amending s. 381.0059, F.S.; revising
10 background-screening requirements for school
11 health service personnel; amending ss. 382.003,
12 382.004, 382.013, 382.016, 382.0255, F.S.;
13 modifying provisions relating to vital records;
14 amending s. 383.402, F.S.; modifying the annual
15 report date for child abuse death reviews;
16 amending s. 385.206, F.S., relating to the
17 hematology-oncology care center program;
18 deleting requirement for data review by the
19 Florida Association of Pediatric Tumor
20 Programs, Inc.; amending s. 392.52, F.S.;
21 providing additional definitions relating to
22 tuberculosis control; creating s. 392.566,
23 F.S.; providing for appointment of a guardian
24 advocate for tuberculosis patients; specifying
25 qualifications, training, and responsibilities
26 of the guardian advocate; amending s. 401.113,
27 F.S.; providing for use of funds in the
28 Emergency Medical Services Trust Fund for
29 injury prevention programs; amending s. 401.27,
30 F.S.; exempting emergency medical services
31 examination questions and answers from

1 discovery; providing conditions for
2 introduction in administrative proceedings;
3 repealing s. 404.056(2), F.S., relating to the
4 Florida Coordinating Council on Radon
5 Protection; amending s. 404.056, F.S.; deleting
6 an obsolete environmental radiation soil
7 testing requirement; clarifying rulemaking
8 authority; amending s. 742.10, F.S.; conforming
9 terminology; conforming a cross-reference;
10 amending s. 381.0056, F.S.; providing
11 requirements for school health programs funded
12 by health care districts or certain health care
13 entities; repealing s. 385.205, F.S.; relating
14 to kidney disease control programs; providing
15 an effective date.

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

18
19 Section 1. Paragraph (f) of subsection (2) of section
20 39.201, Florida Statutes, is amended to read:

21 39.201 Mandatory reports of child abuse, abandonment,
22 or neglect; mandatory reports of death; central abuse
23 hotline.--

24 (2)

25 (f) Reports involving abandoned newborn infants as
26 described in s. 383.50 shall be made and received by the
27 department.

28 1. If the report is of an abandoned newborn infant as
29 described in s. 383.50 and there is no indication of abuse,
30 neglect, or abandonment ~~of the infant~~ other than that
31 necessarily entailed in the infant having been left at a ~~fire~~

1 ~~station or~~ hospital, emergency medical services station, or
2 fire station,the department shall provide to the caller the
3 name of a licensed child-placing agency on a rotating basis
4 from a list of licensed child-placing agencies eligible and
5 required to accept physical custody of and to place newborn
6 infants left at a hospital, emergency medical services
7 station,or ~~a~~ fire station. The report shall not be considered
8 a report of abuse, neglect, or abandonment solely because the
9 infant has been left at a hospital, emergency medical services
10 station, or fire station pursuant to s. 383.50.

11 2. If the caller reports indications of abuse or
12 neglect beyond that necessarily entailed in the infant having
13 been left at a ~~fire station or~~ hospital, emergency medical
14 services station, or fire station,the report shall be
15 considered as a report of abuse, neglect, or abandonment and
16 shall be subject to the requirements of s. 39.395 and all
17 other relevant provisions of this chapter, notwithstanding any
18 provisions of chapter 383.

19 Section 2. Subsections (1) and (4), paragraph (c) of
20 subsection (7), and subsection (10) of section 63.0423,
21 Florida Statutes, are amended to read:

22 63.0423 Procedures with respect to abandoned
23 newborns.--

24 (1) A licensed child-placing agency that takes
25 physical custody of a newborn infant left at a hospital,
26 emergency medical services station,or ~~a~~ fire station pursuant
27 to s. 383.50, shall assume responsibility for all medical
28 costs and all other costs associated with the emergency
29 services and care of the newborn infant from the time the
30 licensed child-placing agency takes physical custody of the
31 newborn infant.

1 (4) Within 7 days after accepting physical custody of
2 the newborn infant, the licensed child-placing agency shall
3 initiate a diligent search to notify and to obtain consent
4 from a parent whose identity or location is unknown, other
5 than the parent who has left a newborn infant at a ~~fire~~
6 ~~station or a hospital, emergency medical services station, or~~
7 fire station in accordance with s. 383.50. The diligent search
8 must include, at a minimum, inquiries of all known relatives
9 of the parent, inquiries of all offices or program areas of
10 the department likely to have information about the parent,
11 inquiries of other state and federal agencies likely to have
12 information about the parent, inquiries of appropriate utility
13 and postal providers and inquiries of appropriate law
14 enforcement agencies. Constructive notice must also be
15 provided pursuant to chapter 49 in the county where the
16 newborn infant was left and in the county where the petition
17 to terminate parental rights will be filed. The constructive
18 notice must include at a minimum, available identifying
19 information, and information on whom a parent must contact in
20 order to assert a claim of parental rights of the newborn
21 infant and how to assert that claim. If a parent is identified
22 and located, notice of the adjudicatory hearing shall be
23 provided. If a parent can not be identified or located
24 subsequent to the diligent search and constructive notice, the
25 licensed child-placing agency shall file an affidavit of
26 diligent search at the same time that the petition to
27 terminate parental rights is filed.

28 (7) If a claim of parental rights of a newborn infant
29 is made before the judgment to terminate parental rights is
30 entered, the circuit court shall hold the action for
31

1 termination of parental rights pending subsequent adoption in
2 abeyance for a period of time not to exceed 60 days.

3 (c) The court may not terminate parental rights solely
4 on the basis that the parent left a newborn infant at a
5 hospital, emergency medical services station, or fire station
6 in accordance with s. 383.50.

7 (10) Except to the extent expressly provided in this
8 section, proceedings initiated by a licensed child-placing
9 agency for the termination of parental rights and subsequent
10 adoption of a newborn left at a hospital, emergency medical
11 services station, or ~~a~~ fire station in accordance with s.
12 383.50 shall be conducted pursuant to this chapter ~~63~~.

13 Section 3. Subsections (2) and (3) of section 232.465,
14 Florida Statutes, are amended to read:

15 232.465 Provision of medical services; restrictions.--

16 (2) Nonmedical assistive personnel shall be allowed to
17 perform health-related services upon successful completion of
18 child-specific training by a registered nurse or advanced
19 registered nurse practitioner licensed under chapter 464, ~~a~~
20 ~~licensed practical nurse~~, a physician licensed pursuant to
21 chapter 458 or chapter 459, or a physician assistant licensed
22 pursuant to chapter 458 or chapter 459. All procedures shall
23 be monitored periodically by a the nurse, advanced registered
24 nurse practitioner, physician assistant, or physician. Those
25 procedures include, but are not limited to:

26 (a) ~~Cleaning~~ Intermittent clean catheterization.

27 (b) Gastrostomy tube feeding.

28 (c) Monitoring blood glucose.

29 (d) Administering emergency injectable medication.

30 (3) For all other invasive medical services not listed
31 in this section ~~subsection (1) or subsection (2)~~, a registered

1 nurse or advanced registered nurse practitioner licensed under
2 chapter 464, a licensed practical nurse, a physician licensed
3 pursuant to chapter 458 or chapter 459, or a physician
4 assistant licensed pursuant to chapter 458 or chapter 459
5 shall determine if nonmedical school district personnel shall
6 be allowed to perform such service.

7 Section 4. Section 381.0059, Florida Statutes, is
8 amended to read:

9 381.0059 Background screening requirements for school
10 health services personnel.--

11 (1)~~(a)~~ Pursuant to the provisions of chapter 435, any
12 person who provides services under a school health services
13 plan pursuant to s. 381.0056 must meet complete level 2
14 screening requirements as described in s. 435.04 ~~as provided~~
15 ~~in chapter 435.~~ A person may satisfy the requirements of this
16 subsection by submitting proof of compliance with the
17 requirements of level 2 screening ~~under s. 435.04,~~ conducted
18 within 12 months before the date that person initially
19 provides services under a school health services plan pursuant
20 to s. 381.0056.

21 (2) A person may provide ~~Any person who provides~~
22 services under a school health services plan pursuant to s.
23 381.0056 prior to the completion of level 2 screening.
24 ~~However, shall be on probationary status pending the results~~
25 ~~of the level 2 screening, such person may not be alone with a~~
26 minor.

27 ~~(b) In order to conduct level 2 screening, any person~~
28 ~~who provides services under a school health services plan~~
29 ~~pursuant to s. 381.0056 must furnish to the Department of~~
30 ~~Health a full set of fingerprints to enable the department to~~
31 ~~conduct a criminal background investigation. Each person who~~

1 ~~provides services under a school health services plan pursuant~~
2 ~~to s. 381.0056 must file a complete set of fingerprints taken~~
3 ~~by an authorized law enforcement officer and must provide~~
4 ~~sufficient information for a statewide criminal records~~
5 ~~correspondence check through the Florida Department of Law~~
6 ~~Enforcement. The Department of Health shall submit the~~
7 ~~fingerprints to the Florida Department of Law Enforcement for~~
8 ~~a statewide criminal history check, and the Florida Department~~
9 ~~of Law Enforcement shall forward the fingerprints to the~~
10 ~~Federal Bureau of Investigation for a national criminal~~
11 ~~history check.~~

12 ~~(c) The person subject to the required background~~
13 ~~screening or his or her employer must pay the fees required to~~
14 ~~obtain the background screening. Payment for the screening~~
15 ~~must be submitted to the Department of Health. The Florida~~
16 ~~Department of Law Enforcement shall charge the Department of~~
17 ~~Health for a level 2 screening at a rate sufficient to cover~~
18 ~~the costs of such screening pursuant to s. 943.053(3). The~~
19 ~~Department of Health shall establish a schedule of fees to~~
20 ~~cover the costs of the level 2 screening. The applicant or his~~
21 ~~or her employer who pays for the required screening may be~~
22 ~~reimbursed by the Department of Health from funds designated~~
23 ~~for this purpose.~~

24 ~~(2)(a) When the Department of Health has reasonable~~
25 ~~cause to believe that grounds exist for the disqualification~~
26 ~~of any person providing services under a school health~~
27 ~~services plan pursuant to s. 381.0056, as a result of~~
28 ~~background screening, it shall notify the person in writing,~~
29 ~~stating the specific record that indicates noncompliance with~~
30 ~~the level 2 screening standards. The Department of Health must~~
31 ~~disqualify any person from providing services under a school~~

1 ~~health services plan pursuant to s. 381.0056 if the department~~
2 ~~finds that the person is not in compliance with the level 2~~
3 ~~screening standards. A person who provides services under a~~
4 ~~school health plan pursuant to s. 381.0056 on a probationary~~
5 ~~status and who is disqualified because of the results of his~~
6 ~~or her background screening may contest that disqualification.~~

7 (3)(b) As provided in s. 435.07, the Department of
8 Health may grant an exemption from disqualification to provide
9 ~~a person providing~~ services under a school health services
10 plan pursuant to s. 381.0056 ~~who has not received a~~
11 ~~professional license or certification from the Department of~~
12 ~~Health.~~

13 ~~(c)~~ As provided in s. 435.07, the Department of Health
14 may grant an exemption from disqualification to a person
15 providing services under a school health services plan
16 pursuant to s. 381.0056 who has received a professional
17 license or certification from the Department of Health.

18 ~~(3)~~ Any person who is required to undergo the
19 background screening to provide services under a school health
20 plan pursuant to s. 381.0056 who refuses to cooperate in such
21 screening or refuses to submit the information necessary to
22 complete the screening, including fingerprints, shall be
23 disqualified for employment or volunteering in such position
24 or, if employed, shall be dismissed.

25 (4) Under penalty of perjury, each person who provides
26 services under a school health plan pursuant to s. 381.0056
27 must attest to meeting the level 2 screening requirements for
28 participation under the plan and agree to inform his or her
29 employer ~~the Department of Health~~ immediately if convicted of
30 any disqualifying offense while providing services under a
31 school health services plan pursuant to s. 381.0056.

1 (5) As used in this section, the term "person who
2 provides services under a school health services plan"
3 includes unpaid volunteers, except for ~~does not include~~ an
4 unpaid volunteer who lectures students in group settings on
5 health education topics.

6 Section 5. Subsections (6) and (10) of section
7 382.003, Florida Statutes, are amended to read:

8 382.003 Powers and duties of the department.--The
9 department may:

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

17 (10) Accept, use, and produce all records, reports,
18 and documents necessary for carrying out the provisions of
19 this chapter, in paper or electronic form, and adopt,
20 ~~promulgate,~~and enforce all rules necessary for the
21 acceptance, use, production ~~creation~~, issuance, recording,
22 maintenance, and processing of such vital records, reports,
23 and documents,and for carrying out the provisions of ss.
24 382.004-382.0135 and ss. 382.016-382.019.

25 Section 6. Subsections (1) and (2) of section 382.004,
26 Florida Statutes, are amended to read:

27 382.004 Reproduction and destruction of records.--

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

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

5 Section 7. Paragraph (c) of subsection (2) of section
6 382.013, Florida Statutes, is amended to 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 (2) PATERNITY.--

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

1 of the mother and the person to be named as the father, the
2 facility shall assist in the execution of the affidavit or
3 voluntary acknowledgement of paternity.

4 Section 8. Section 382.016, Florida Statutes, is
5 amended to read:

6 382.016 Amendment of records.--

7 ~~(1)~~ The department, upon receipt of the fee prescribed
8 in s. 382.0255; documentary evidence, as specified by rule,
9 of any misstatement, error, or omission occurring in any
10 birth, death, or fetal death record; ~~as may be required by~~
11 ~~department rule,~~ and an affidavit setting forth the changes to
12 be made, shall amend or replace the original certificate as
13 necessary. ~~However, except for a misspelling or an omission on~~
14 ~~a death certificate with regard to the name of the surviving~~
15 ~~spouse, the department may not change the name of the~~
16 ~~surviving spouse on the certificate except by order of a court~~
17 ~~of competent jurisdiction.~~

18 (1)(2) CERTIFICATE OF LIVE BIRTH AMENDMENT.--

19 (a) Until a child's first birthday, the child's given
20 name or surname may be amended on a certificate of live birth
21 without requiring documentary evidence, upon receipt of the
22 fees prescribed in s. 382.0255 and an affidavit signed by each
23 parent named on the original birth certificate or by the
24 registrant's guardian. After the child's first birthday,
25 documentary evidence is required. If both parents are named on
26 the certificate but both are not willing or available to sign
27 the affidavit, the registrant's name may only be amended by
28 court order.

29 (b)(3) Upon written request and receipt of an
30 affidavit or voluntary acknowledgement of paternity signed by
31 the mother and father acknowledging the paternity of a

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

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

1 mother, the father, or the child if the child is of legal age,
2 the department may issue a certification of the affidavit or
3 voluntary acknowledgment of paternity. Thereafter, when a
4 certified copy of the certificate of birth or portion of the
5 certificate of birth is issued, it shall be a copy of the new
6 certificate of birth or portion thereof.

7 (c)(5) If a father's name is listed on the birth
8 certificate, the birth certificate may only be amended to
9 remove the father's name or to add a different father's name
10 upon court order. If a change in the registrant's surname is
11 also desired, such change must be included in the court order
12 or the name must be changed pursuant to s. 68.07.

13 (2) CERTIFICATE OF DEATH AMENDMENTS.--Except for a
14 misspelling or an omission on a death certificate with regard
15 to the name of the surviving spouse, the department may not
16 change the name of a surviving spouse on the certificate
17 except by order of a court of competent jurisdiction.

18 Section 9. Paragraph (h) of subsection (1) of section
19 382.0255, Florida Statutes, is amended to read:

20 382.0255 Fees.--

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

22 (h) Not less than 5 cents or more than 10 cents for
23 each data vital record listed on electronic media plus a
24 reasonable charge for the cost of preparation, as established
25 ~~defined~~ by department rule.

26 Section 10. Paragraph (c) of subsection (3) of section
27 383.402, Florida Statutes, is amended to read:

28 383.402 Child abuse death review; State Child Abuse
29 Death Review Committee; local child abuse death review
30 committees.--

31

1 (3) The State Child Abuse Death Review Committee
2 shall:

3 (c) Prepare an annual statistical report on the
4 incidence and causes of death resulting from child abuse in
5 the state during the prior calendar year. The state committee
6 shall submit a copy of the report by December 31 ~~September 30~~
7 of each year to the Governor, the President of the Senate, and
8 the Speaker of the House of Representatives, ~~with the first~~
9 ~~annual report due on September 30, 2000~~. The report must
10 include recommendations for state and local action, including
11 specific policy, procedural, regulatory, or statutory changes,
12 and any other recommended preventive action.

13 Section 11. Subsections (1), (3), (5), (6), and (9) of
14 section 383.50, Florida Statutes, are amended to read:

15 383.50 Treatment of abandoned newborn infant.--

16 (1) As used in this section, the term "newborn infant"
17 means a child that a licensed physician reasonably believes to
18 be approximately 3 days old or younger at the time the child
19 is left at a hospital, emergency medical services station, or
20 ~~a~~ fire station.

21 (3) Each emergency medical services station or fire
22 station staffed with full-time firefighters, or emergency
23 medical technicians, or paramedics shall accept any newborn
24 infant left with a firefighter, or emergency medical
25 technician, or paramedic. The firefighter, emergency medical
26 technician, or paramedic ~~fire station~~ shall consider these
27 actions as implied consent to and shall:

28 (a) Provide emergency medical services to the newborn
29 infant to the extent he or she is trained to provide those
30 services, and
31

1 (b) Arrange for the immediate transportation of the
2 newborn infant to the nearest hospital with emergency
3 services.

4
5 Any firefighter, ~~or~~ emergency medical technician, or paramedic
6 accepting or providing emergency medical services to a newborn
7 infant pursuant to this subsection is immune from criminal or
8 civil liability for having performed the act. Nothing in this
9 subsection limits liability for negligence.

10 (5) Except where there is actual or suspected child
11 abuse or neglect, any parent who leaves a newborn infant with
12 a firefighter, ~~or~~ emergency medical technician, or paramedic
13 at a fire station or emergency medical services station, or
14 brings a newborn infant to an emergency room of a hospital and
15 expresses an intent to leave the newborn infant and not
16 return, has the absolute right to remain anonymous and to
17 leave at any time and may not be pursued or followed unless
18 the parent seeks to reclaim the newborn infant.

19 (6) A parent of a newborn infant left at a hospital,
20 emergency medical services station, or ~~a~~ fire station under
21 this section may claim his or her newborn infant up until the
22 court enters a judgment terminating his or her parental
23 rights. A claim to ~~of parental rights of~~ the newborn infant
24 must be made to the entity having physical or legal custody of
25 the newborn infant or to the circuit court before whom
26 proceedings involving the newborn infant are pending.

27 (9) A newborn infant left at a ~~fire station or a~~
28 hospital, emergency medical services station, or fire station
29 in accordance with this section shall not be deemed abandoned
30 and subject to reporting and investigation requirements under
31

1 s. 39.201 unless there is actual or suspected child abuse or
2 until the department takes physical custody of the child.

3 Section 12. Subsection (5) of section 385.206, Florida
4 Statutes, is amended to read:

5 385.206 Hematology-oncology care center program.--

6 (5) PROGRAM AND PEER REVIEW.--The department shall
7 evaluate at least annually during the grant period the
8 services rendered by the centers ~~and the districts of the~~
9 ~~department. Data from the centers and other sources relating~~
10 ~~to pediatric cancer shall be reviewed annually by the Florida~~
11 ~~Association of Pediatric Tumor Programs, Inc.;~~ and a written
12 ~~report with recommendations shall be made to the department.~~
13 ~~This database will be available to the department for~~
14 ~~formulation of its annual program and financial evaluation~~
15 ~~report. A portion of the funds appropriated for this section~~
16 ~~may be used to provide statewide consultation, supervision,~~
17 ~~and evaluation of the programs of the centers, as well as~~
18 ~~program office support personnel.~~

19 Section 13. Present subsections (6) and (7) of section
20 392.52, Florida Statutes, are renumbered as subsections (9)
21 and (10), respectively, and new subsections (6), (7), and (8)
22 are added to that section to read:

23 392.52 Definitions.--As used in this chapter, the
24 term:

25 (6) "Guardian advocate" means a person appointed by a
26 court to make decisions regarding medical treatment on behalf
27 of a patient who has been found incompetent to consent to
28 treatment pursuant to this chapter. The guardian advocate may
29 be granted specific additional powers by written order of the
30 court, as provided in this chapter.

31

1 (7) "Incompetent to consent to treatment" means that a
2 person lacks the mental capacity to make a well-reasoned,
3 willful, and knowing decision concerning his or her medical
4 treatment.

5 (8) "Psychiatrist" means a physician licensed under
6 chapter 458 or chapter 459 who has primarily diagnosed and
7 treated mental and nervous disorders for a period of not less
8 than 3 years, inclusive of psychiatric residency.

9 Section 14. Section 392.566, Florida Statutes, is
10 created to read:

11 392.566 Guardian advocate.--

12 (1) Subsequent to hospitalization under s. 392.56, the
13 department may petition the court for appointment of a
14 guardian advocate based upon the opinion of a psychiatrist
15 that the person is incompetent to consent to medical
16 treatment. If the court finds that a person is incompetent to
17 consent to medical treatment but has not been adjudicated
18 incapacitated under part V of chapter 744 and a guardian
19 appointed, the court shall appoint a guardian advocate. In
20 any such proceeding:

21 (a) The person shall have a right to be represented by
22 counsel. If the person is determined to be indigent pursuant
23 to s. 27.52, the court shall appoint legal counsel to
24 represent him or her at the hearing.

25 (b) The person shall have the right to attend the
26 hearing, to testify, cross-examine witnesses, and present
27 witnesses. After review and consultation by the court,
28 counsel for the person may waive the client's presence.

29 (c) The proceedings shall be recorded either
30 electronically or stenographically, and testimony shall be
31 provided under oath.

1 (d) A psychiatrist rendering an opinion in support of
2 the petition for a guardian advocate must testify.

3 (2) The guardian advocate must meet the qualifications
4 of a guardian contained in part IV of chapter 744, except that
5 the psychiatrist rendering the opinion that the person is
6 incompetent, an employee of the department, or a member of the
7 advocacy council shall not be appointed. A person appointed
8 as a guardian advocate must agree to the appointment.

9 (3) In selecting a guardian advocate, the court shall
10 give preference to a health care surrogate, if one has been
11 designated by the person. If a person has not previously
12 selected a surrogate, except for good cause documented in the
13 court record, the selection shall be made from the following
14 list in the order of listing:

15 (a) The person's spouse;

16 (b) An adult child of the person;

17 (c) A parent of the person;

18 (d) The adult next of kin of the person; or

19 (e) An adult trained and willing to serve as guardian
20 advocate for the person.

21 (4) Prior to the appointment of a guardian advocate,
22 the department must provide the prospective guardian advocate
23 with information about the duties and responsibilities of a
24 guardian advocate.

25 (5) Prior to a guardian advocate exercising his or her
26 authority, the advocate shall have successfully completed a
27 training course which must include, at a minimum, information
28 about the person's rights, diagnosis and treatment of
29 tuberculosis and other illnesses, the ethics of medical
30 decisionmaking, and the duties of guardian advocates.

31

1 (a) The training course must be developed by the
2 department and approved by the chief judge of the circuit
3 court.

4 (b) The training course shall take the place of
5 training required for guardians pursuant to chapter 744.

6 (c) The court may, on a case-by-case basis, waive some
7 or all of the training requirements or impose additional
8 requirements after considering the experience, training, and
9 education of the guardian advocate, the duties assigned to the
10 advocate, and the needs of the person.

11 (6) Before asking a guardian advocate to give consent
12 to medical treatment, the department shall provide sufficient
13 information to enable the guardian advocate to provide express
14 and informed consent to treatment. Sufficient information
15 shall include indications that the treatment is essential to
16 treat the person with tuberculosis or other medical condition,
17 and that the treatment does not present an unreasonable risk
18 of serious, hazardous, or irreversible side effects. Before
19 giving consent to treatment, the guardian advocate must meet
20 face-to-face and talk with the person and the person's
21 physician, if possible, and by telephone if not. The
22 decisions of the guardian advocate may be reviewed by the
23 court, upon petition by the person's attorney, person's
24 family, or the department.

25 (7) The guardian advocate shall be discharged when the
26 department files notice with the court that the person has
27 been discharged from the hospital or upon sufficient evidence
28 that the person is no longer incompetent to consent to medical
29 treatment, which may be documented by a notarized statement or
30 affidavit signed by a psychiatrist.

31

1 Section 15. Paragraph (b) of subsection (2) of section
2 401.113, Florida Statutes, is amended to read:

3 401.113 Department; powers and duties.--

4 (2) The department shall annually dispense funds
5 contained in the Emergency Medical Services Trust Fund as
6 follows:

7 (b) Forty percent of such moneys must be used by the
8 department for making matching grants to local agencies,
9 municipalities, and emergency medical services organizations
10 for the purpose of conducting research, increasing existing
11 levels of emergency medical services, evaluation, community
12 education, injury prevention programs, and training in
13 cardiopulmonary resuscitation and other lifesaving and first
14 aid techniques.

15 1. At least 90 percent of these moneys must be made
16 available on a cash matching basis. A grant made under this
17 subparagraph must be contingent upon the recipient providing a
18 cash sum equal to 25 percent of the total department-approved
19 grant amount.

20 2. No more than 10 percent of these moneys must be
21 made available to rural emergency medical services, and
22 notwithstanding the restrictions specified in subsection (1),
23 these moneys may be used for improvement, expansion, or
24 continuation of services provided. A grant made under this
25 subparagraph must be contingent upon the recipient providing a
26 cash sum equal to no more than 10 percent of the total
27 department-approved grant amount.

28
29 The department shall develop procedures and standards for
30 grant disbursement under this paragraph based on the need for
31 emergency medical services, the requirements of the population

1 to be served, and the objectives of the state emergency
2 medical services plan.

3 Section 16. Subsection (5) of section 401.27, Florida
4 Statutes, is amended to read:

5 401.27 Personnel; standards and certification.--

6 (5) The certification examination must be offered
7 monthly. The department shall issue an examination admission
8 notice to the applicant advising him or her of the time and
9 place of the examination for which he or she is scheduled.
10 Individuals achieving a passing score on the certification
11 examination may be issued a temporary certificate with their
12 examination grade report. The department must issue an
13 original certification within 45 days after the examination.
14 Examination questions and answers are not subject to discovery
15 but may be introduced into evidence and considered only in
16 camera in any administrative proceeding under chapter 120. If
17 an administrative hearing is held, the department shall
18 provide challenged examination questions and answers to the
19 administrative law judge.

20 Section 17. Subsection (2) of section 404.056, Florida
21 Statutes, is repealed, and present subsections (5) and (7) of
22 that section are renumbered as subsections (4) and (6),
23 respectively, and amended to read:

24 404.056 Environmental radiation standards and
25 programs; radon protection.--

26 (4)~~(5)~~ MANDATORY TESTING.--All public and private
27 school buildings or school sites housing students in
28 kindergarten through grade 12; all state-owned,
29 state-operated, state-regulated, or state-licensed 24-hour
30 care facilities; and all state-licensed day care centers for
31 children or minors which are located in counties designated

1 within the Department of Community Affairs' Florida Radon
2 Protection Map Categories as "Intermediate" or "Elevated Radon
3 Potential" shall be measured to determine the level of indoor
4 radon, using measurement procedures established by the
5 department. Testing shall be completed within the first year
6 of construction in 20 percent of the habitable first floor
7 spaces within any of the regulated buildings. Initial
8 measurements shall be completed and reported to the department
9 by July 1 of the year the building is opened for occupancy.
10 Followup testing must be completed in 5 percent of the
11 habitable first floor spaces within any of the regulated
12 buildings after the building has been occupied for 5 years,
13 and results must be reported to the department by July 1 of
14 the 5th year of occupancy. After radon measurements have been
15 made twice, regulated buildings need not undergo further
16 testing unless significant structural changes occur. ~~Where~~
17 ~~fill soil is required for the construction of a regulated~~
18 ~~building, initial testing of fill soil must be performed using~~
19 ~~measurement procedures established by the department, and the~~
20 ~~results must be reported to the department prior to~~
21 ~~construction.~~No funds collected pursuant to s. 553.721 shall
22 be used to carry out the provisions of this subsection.

23 (6)(7) RULES.--The department shall have the authority
24 to promulgate rules necessary to carry out the provisions of
25 this section, including the definition of terms.

26 Section 18. Subsections (1) and (3) of section 742.10,
27 Florida Statutes, are amended to read:

28 742.10 Establishment of paternity for children born
29 out of wedlock.--

30 (1) This chapter provides the primary jurisdiction and
31 procedures for the determination of paternity for children

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

26 | (3) The department shall adopt rules which establish
27 | the information which must be provided to an individual prior
28 | to execution of an ~~a consenting~~ affidavit or voluntary
29 | acknowledgment of paternity. The information shall explain the
30 | alternatives to, the legal consequences of, and the rights,
31 | including, if one parent is a minor, any rights afforded due

1 to minority status, and responsibilities that arise from
2 acknowledging paternity.

3 Section 19. Section 827.035, Florida Statutes, is
4 amended to read:

5 827.035 Newborn infants.--It shall not constitute
6 neglect of a child pursuant to s. 827.03 or contributing to
7 the dependency of a child pursuant to s. 827.04, if a parent
8 leaves a newborn infant, ~~as defined in s. 383.50,~~ at a
9 hospital, emergency medical services station, or fire station
10 or brings a newborn infant to an emergency room and expresses
11 an intent to leave the infant and not return, in compliance
12 with s. 383.50.

13 Section 20. Subsection (11) is added to section
14 381.0056, Florida Statutes, to read:

15 381.0056 School health services program.--

16 (11) School health programs funded by health care
17 districts or entities defined in subsection (3) must be
18 supplementary to and consistent with the requirements of this
19 section and ss. 381.0057 and 381.0059.

20 Section 21. Section 385.205, Florida Statutes, is
21 repealed.

22 Section 22. This act shall take effect July 1, 2001.
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LEGISLATIVE SUMMARY

Revises various provisions relating to public health. Authorizes acceptance of abandoned newborn infants at emergency medical services stations. Authorizes supervision of nonmedical school district personnel by a licensed advanced registered nurse practitioner. Revises background-screening requirements for school health services personnel. Modifies provisions relating to vital records. Changes from September 30 to December 31 the annual report date for child abuse death reviews. Removes requirement for data review under the hematology-oncology care center program by the Florida Association of Pediatric Tumor Programs, Inc. Provides for appointment of a guardian advocate for tuberculosis patients, and specifies qualifications, training, and responsibilities. Provides for use of funds in the Emergency Medical Services Trust Fund for injury prevention programs. Exempts emergency medical services examination questions and answers from discovery, and provides conditions for introduction in an administrative proceeding. Repeals provisions which establish and provide duties of the Florida Coordinating Council on Radon Protection. Removes a requirement for soil testing for environmental radiation prior to certain construction. Repeals provision which requires establishment of programs in kidney disease control.

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