

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

25-1605C-01

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 s. 381.026,
12 F.S., relating to the Florida Patient's Bill of
13 Rights and Responsibilities; replacing
14 references to the term "physical handicap" with
15 the term "handicap"; amending ss. 382.003,
16 382.004, 382.013, 382.016, 382.0255, F.S.;
17 modifying provisions relating to vital records;
18 amending s. 383.402, F.S.; modifying the annual
19 report date for child abuse death reviews;
20 amending s. 401.113, F.S.; providing for use of
21 funds in the Emergency Medical Services Trust
22 Fund for injury prevention programs; amending
23 s. 401.27, F.S.; authorizing the department to
24 define by rule the equivalent of
25 cardiopulmonary resuscitation courses for
26 emergency medical technicians and paramedics;
27 exempting emergency medical services
28 examination questions and answers from
29 discovery; providing conditions for
30 introduction in administrative proceedings;
31 repealing s. 404.056(2), F.S., relating to the

1 Florida Coordinating Council on Radon
2 Protection; amending s. 404.056, F.S.; deleting
3 an obsolete environmental radiation
4 soil-testing requirement; clarifying rulemaking
5 authority; amending s. 742.10, F.S.; requiring
6 a voluntary acknowledgement of paternity for a
7 child born out of wedlock to be notarized;
8 amending s. 743.0645, F.S., relating to consent
9 to medical care or treatment of a minor;
10 providing that a power of attorney to provide
11 such consent includes the power to consent to
12 surgical and general anesthesia services;
13 amending s. 381.0056, F.S.; providing
14 requirements for school health programs funded
15 by health care districts or certain health care
16 entities; creating s. 391.037, F.S.; providing
17 that the furnishing of medical services by
18 state employees under specified conditions does
19 not constitute a conflict of interest;
20 providing an effective date.

21
22 Be It Enacted by the Legislature of the State of Florida:
23

24 Section 1. Paragraph (f) of subsection (2) of section
25 39.201, Florida Statutes, is amended to read:

26 39.201 Mandatory reports of child abuse, abandonment,
27 or neglect; mandatory reports of death; central abuse
28 hotline.--

29 (2)
30
31

1 (f) Reports involving abandoned newborn infants as
2 described in s. 383.50 shall be made and received by the
3 department.

4 1. If the report is of an abandoned newborn infant as
5 described in s. 383.50 and there is no indication of abuse,
6 neglect, or abandonment ~~of the infant~~ other than that
7 necessarily entailed in the infant having been left at a ~~fire~~
8 ~~station or~~ hospital, emergency medical services station, or
9 fire station,the department shall provide to the caller the
10 name of a licensed child-placing agency on a rotating basis
11 from a list of licensed child-placing agencies eligible and
12 required to accept physical custody of and to place newborn
13 infants left at a hospital, emergency medical services
14 station, or a fire station. The report shall not be considered
15 a report of abuse, neglect, or abandonment solely because the
16 infant has been left at a hospital, emergency medical services
17 station, or fire station pursuant to s. 383.50.

18 2. If the caller reports indications of abuse or
19 neglect beyond that necessarily entailed in the infant having
20 been left at a ~~fire station or~~ hospital, emergency medical
21 services station, or fire station,the report shall be
22 considered as a report of abuse, neglect, or abandonment and
23 shall be subject to the requirements of s. 39.395 and all
24 other relevant provisions of this chapter, notwithstanding any
25 provisions of chapter 383.

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

29 63.0423 Procedures with respect to abandoned
30 newborns.--

31

1 (1) A licensed child-placing agency that takes
2 physical custody of a newborn infant left at a hospital,
3 emergency medical services station, or a fire station pursuant
4 to s. 383.50, shall assume responsibility for all medical
5 costs and all other costs associated with the emergency
6 services and care of the newborn infant from the time the
7 licensed child-placing agency takes physical custody of the
8 newborn infant.

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

1 subsequent to the diligent search and constructive notice, the
2 licensed child-placing agency shall file an affidavit of
3 diligent search at the same time that the petition to
4 terminate parental rights is filed.

5 (7) If a claim of parental rights of a newborn infant
6 is made before the judgment to terminate parental rights is
7 entered, the circuit court shall hold the action for
8 termination of parental rights pending subsequent adoption in
9 abeyance for a period of time not to exceed 60 days.

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

14 (10) Except to the extent expressly provided in this
15 section, proceedings initiated by a licensed child-placing
16 agency for the termination of parental rights and subsequent
17 adoption of a newborn left at a hospital, emergency medical
18 services station, or ~~a~~ fire station in accordance with s.
19 383.50 shall be conducted pursuant to this chapter ~~63~~.

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

22 232.465 Provision of medical services; restrictions.--

23 (2) Nonmedical assistive personnel shall be allowed to
24 perform health-related services upon successful completion of
25 child-specific training by a registered nurse or advanced
26 registered nurse practitioner licensed under chapter 464, ~~a~~
27 ~~licensed practical nurse~~, a physician licensed pursuant to
28 chapter 458 or chapter 459, or a physician assistant licensed
29 pursuant to chapter 458 or chapter 459. All procedures shall
30 be monitored periodically by a the nurse, advanced registered
31

1 nurse practitioner, physician assistant, or physician. Those
2 procedures include, but are not limited to:

- 3 (a) ~~Cleaning~~ Intermittent clean catheterization.
4 (b) Gastrostomy tube feeding.
5 (c) Monitoring blood glucose.
6 (d) Administering emergency injectable medication.
7 (3) For all other invasive medical services not listed

8 in this section subsection (1) or subsection (2), a registered
9 nurse or advanced registered nurse practitioner licensed under
10 chapter 464, a licensed practical nurse, a physician licensed
11 pursuant to chapter 458 or chapter 459, or a physician
12 assistant licensed pursuant to chapter 458 or chapter 459
13 shall determine if nonmedical school district personnel shall
14 be allowed to perform such service.

15 Section 4. Section 381.0059, Florida Statutes, is
16 amended to read:

17 381.0059 Background screening requirements for school
18 health services personnel.--

19 (1)~~(a)~~ Pursuant to the provisions of chapter 435, any
20 person who provides services under a school health services
21 plan pursuant to s. 381.0056 must meet complete level 2
22 screening requirements as described in s. 435.04 as provided
23 ~~in chapter 435.~~ A person may satisfy the requirements of this
24 subsection by submitting proof of compliance with the
25 requirements of level 2 screening ~~under s. 435.04,~~ conducted
26 within 12 months before the date that person initially
27 provides services under a school health services plan pursuant
28 ~~to s. 381.0056.~~

29 (2) A person may provide ~~Any person who provides~~
30 services under a school health services plan pursuant to s.
31 381.0056 prior to the completion of level 2 screening.

1 However, shall be on probationary status pending the results
2 of the level 2 screening, such person may not be alone with a
3 minor.

4 ~~(b) In order to conduct level 2 screening, any person~~
5 ~~who provides services under a school health services plan~~
6 ~~pursuant to s. 381.0056 must furnish to the Department of~~
7 ~~Health a full set of fingerprints to enable the department to~~
8 ~~conduct a criminal background investigation. Each person who~~
9 ~~provides services under a school health services plan pursuant~~
10 ~~to s. 381.0056 must file a complete set of fingerprints taken~~
11 ~~by an authorized law enforcement officer and must provide~~
12 ~~sufficient information for a statewide criminal records~~
13 ~~correspondence check through the Florida Department of Law~~
14 ~~Enforcement. The Department of Health shall submit the~~
15 ~~fingerprints to the Florida Department of Law Enforcement for~~
16 ~~a statewide criminal history check, and the Florida Department~~
17 ~~of Law Enforcement shall forward the fingerprints to the~~
18 ~~Federal Bureau of Investigation for a national criminal~~
19 ~~history check.~~

20 ~~(c) The person subject to the required background~~
21 ~~screening or his or her employer must pay the fees required to~~
22 ~~obtain the background screening. Payment for the screening~~
23 ~~must be submitted to the Department of Health. The Florida~~
24 ~~Department of Law Enforcement shall charge the Department of~~
25 ~~Health for a level 2 screening at a rate sufficient to cover~~
26 ~~the costs of such screening pursuant to s. 943.053(3). The~~
27 ~~Department of Health shall establish a schedule of fees to~~
28 ~~cover the costs of the level 2 screening. The applicant or his~~
29 ~~or her employer who pays for the required screening may be~~
30 ~~reimbursed by the Department of Health from funds designated~~
31 ~~for this purpose.~~

1 ~~(2)(a) When the Department of Health has reasonable~~
2 ~~cause to believe that grounds exist for the disqualification~~
3 ~~of any person providing services under a school health~~
4 ~~services plan pursuant to s. 381.0056, as a result of~~
5 ~~background screening, it shall notify the person in writing,~~
6 ~~stating the specific record that indicates noncompliance with~~
7 ~~the level 2 screening standards. The Department of Health must~~
8 ~~disqualify any person from providing services under a school~~
9 ~~health services plan pursuant to s. 381.0056 if the department~~
10 ~~finds that the person is not in compliance with the level 2~~
11 ~~screening standards. A person who provides services under a~~
12 ~~school health plan pursuant to s. 381.0056 on a probationary~~
13 ~~status and who is disqualified because of the results of his~~
14 ~~or her background screening may contest that disqualification.~~

15 ~~(3)(b) As provided in s. 435.07, the Department of~~
16 ~~Health may grant an exemption from disqualification to provide~~
17 ~~a person providing services under a school health services~~
18 ~~plan pursuant to s. 381.0056 who has not received a~~
19 ~~professional license or certification from the Department of~~
20 ~~Health.~~

21 ~~(c) As provided in s. 435.07, the Department of Health~~
22 ~~may grant an exemption from disqualification to a person~~
23 ~~providing services under a school health services plan~~
24 ~~pursuant to s. 381.0056 who has received a professional~~
25 ~~license or certification from the Department of Health.~~

26 ~~(3) Any person who is required to undergo the~~
27 ~~background screening to provide services under a school health~~
28 ~~plan pursuant to s. 381.0056 who refuses to cooperate in such~~
29 ~~screening or refuses to submit the information necessary to~~
30 ~~complete the screening, including fingerprints, shall be~~
31

1 ~~disqualified for employment or volunteering in such position~~
2 ~~or, if employed, shall be dismissed.~~

3 (4) Under penalty of perjury, each person who provides
4 services under a school health plan pursuant to s. 381.0056
5 must attest to meeting the level 2 screening requirements for
6 participation under the plan and agree to inform his or her
7 employer ~~the Department of Health~~ immediately if convicted of
8 any disqualifying offense while providing services under a
9 ~~school health services plan pursuant to s. 381.0056.~~

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

15 Section 5. Paragraph (d) of subsection (4) and
16 subsection (6) of section 381.026, Florida Statutes, are
17 amended to read:

18 381.026 Florida Patient's Bill of Rights and
19 Responsibilities.--

20 (4) RIGHTS OF PATIENTS.--Each health care facility or
21 provider shall observe the following standards:

22 (d) Access to health care.--

23 1. A patient has the right to impartial access to
24 medical treatment or accommodations, regardless of race,
25 national origin, religion, ~~physical~~ handicap, or source of
26 payment.

27 2. A patient has the right to treatment for any
28 emergency medical condition that will deteriorate from failure
29 to provide such treatment.

30 (6) SUMMARY OF RIGHTS AND RESPONSIBILITIES.--Any
31 health care provider who treats a patient in an office or any

1 health care facility licensed under chapter 395 that provides
2 emergency services and care or outpatient services and care to
3 a patient, or admits and treats a patient, shall adopt and
4 make available to the patient, in writing, a statement of the
5 rights and responsibilities of patients, including the
6 following:

7
8 SUMMARY OF THE FLORIDA PATIENT'S BILL
9 OF RIGHTS AND RESPONSIBILITIES
10

11 Florida law requires that your health care provider or
12 health care facility recognize your rights while you are
13 receiving medical care and that you respect the health care
14 provider's or health care facility's right to expect certain
15 behavior on the part of patients. You may request a copy of
16 the full text of this law from your health care provider or
17 health care facility. A summary of your rights and
18 responsibilities follows:

19 A patient has the right to be treated with courtesy and
20 respect, with appreciation of his or her individual dignity,
21 and with protection of his or her need for privacy.

22 A patient has the right to a prompt and reasonable
23 response to questions and requests.

24 A patient has the right to know who is providing
25 medical services and who is responsible for his or her care.

26 A patient has the right to know what patient support
27 services are available, including whether an interpreter is
28 available if he or she does not speak English.

29 A patient has the right to know what rules and
30 regulations apply to his or her conduct.
31

1 A patient has the right to be given by the health care
2 provider information concerning diagnosis, planned course of
3 treatment, alternatives, risks, and prognosis.

4 A patient has the right to refuse any treatment, except
5 as otherwise provided by law.

6 A patient has the right to be given, upon request, full
7 information and necessary counseling on the availability of
8 known financial resources for his or her care.

9 A patient who is eligible for Medicare has the right to
10 know, upon request and in advance of treatment, whether the
11 health care provider or health care facility accepts the
12 Medicare assignment rate.

13 A patient has the right to receive, upon request, prior
14 to treatment, a reasonable estimate of charges for medical
15 care.

16 A patient has the right to receive a copy of a
17 reasonably clear and understandable, itemized bill and, upon
18 request, to have the charges explained.

19 A patient has the right to impartial access to medical
20 treatment or accommodations, regardless of race, national
21 origin, religion, ~~physical~~ handicap, or source of payment.

22 A patient has the right to treatment for any emergency
23 medical condition that will deteriorate from failure to
24 provide treatment.

25 A patient has the right to know if medical treatment is
26 for purposes of experimental research and to give his or her
27 consent or refusal to participate in such experimental
28 research.

29 A patient has the right to express grievances regarding
30 any violation of his or her rights, as stated in Florida law,
31 through the grievance procedure of the health care provider or

1 health care facility which served him or her and to the
2 appropriate state licensing agency.

3 A patient is responsible for providing to the health
4 care provider, to the best of his or her knowledge, accurate
5 and complete information about present complaints, past
6 illnesses, hospitalizations, medications, and other matters
7 relating to his or her health.

8 A patient is responsible for reporting unexpected
9 changes in his or her condition to the health care provider.

10 A patient is responsible for reporting to the health
11 care provider whether he or she comprehends a contemplated
12 course of action and what is expected of him or her.

13 A patient is responsible for following the treatment
14 plan recommended by the health care provider.

15 A patient is responsible for keeping appointments and,
16 when he or she is unable to do so for any reason, for
17 notifying the health care provider or health care facility.

18 A patient is responsible for his or her actions if he
19 or she refuses treatment or does not follow the health care
20 provider's instructions.

21 A patient is responsible for assuring that the
22 financial obligations of his or her health care are fulfilled
23 as promptly as possible.

24 A patient is responsible for following health care
25 facility rules and regulations affecting patient care and
26 conduct.

27 Section 6. Subsections (6) and (10) of section
28 382.003, Florida Statutes, are amended to read:

29 382.003 Powers and duties of the department.--The
30 department may:

31

1 (6) Investigate cases of irregularity or violation of
2 law, and all local registrars of vital statistics shall aid
3 the department in such investigations. When necessary, the
4 department shall report cases of violations of any of the
5 provisions of this chapter to the state attorney ~~having charge~~
6 ~~of the prosecution of misdemeanors~~ in the registration
7 district in which the violation occurs.

8 (10) Accept, use, and produce all records, reports,
9 and documents necessary for carrying out the provisions of
10 this chapter, in paper or electronic form, and adopt,
11 ~~promulgate,~~and enforce all rules necessary for the
12 acceptance, use, production ~~creation~~, issuance, recording,
13 maintenance, and processing of such vital records, reports,
14 and documents,and for carrying out the provisions of ss.
15 382.004-382.0135 and ss. 382.016-382.019.

16 Section 7. Subsections (1) and (2) of section 382.004,
17 Florida Statutes, are amended to read:

18 382.004 Reproduction and destruction of records.--

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

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

27 Section 8. Paragraph (c) of subsection (2) of section
28 382.013, Florida Statutes, is amended to read:

29 382.013 Birth registration.--A certificate for each
30 live birth that occurs in this state shall be filed within 5
31 days after such birth with the local registrar of the district

1 in which the birth occurred and shall be registered by the
2 local registrar if the certificate has been completed and
3 filed in accordance with this chapter and adopted rules. The
4 information regarding registered births shall be used for
5 comparison with information in the state case registry, as
6 defined in chapter 61.

7 (2) PATERNITY.--

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

26 Section 9. Section 382.016, Florida Statutes, is
27 amended to read:

28 382.016 Amendment of records.--

29 ~~(1)~~ The department, upon receipt of the fee prescribed
30 in s. 382.0255; documentary evidence, as specified by rule,
31 of any misstatement, error, or omission occurring in any

1 birth, death, or fetal death record;~~as may be required by~~
2 ~~department rule,~~and an affidavit setting forth the changes to
3 be made, shall amend or replace the original certificate as
4 necessary. ~~However, except for a misspelling or an omission on~~
5 ~~a death certificate with regard to the name of the surviving~~
6 ~~spouse, the department may not change the name of the~~
7 ~~surviving spouse on the certificate except by order of a court~~
8 ~~of competent jurisdiction.~~

9 (1)(2) CERTIFICATE OF LIVE BIRTH AMENDMENT.--

10 (a) Until a child's first birthday, the child's given
11 name or surname may be amended upon receipt of the fees
12 prescribed in s. 382.0255 and an affidavit signed by each
13 parent named on the original birth certificate or by the
14 registrant's guardian. If both parents are named on the
15 certificate but both are not willing or available to sign the
16 affidavit, the registrant's name may only be amended by court
17 order.

18 (b)(3) Upon written request and receipt of an
19 affidavit or voluntary acknowledgement of paternity signed by
20 the mother and father acknowledging the paternity of a
21 registrant born out of wedlock, together with sufficient
22 information to identify the original certificate of live
23 birth, the department shall prepare a new birth certificate,
24 which shall bear the same file number as the original birth
25 certificate. The names and identifying information of the
26 parents shall be entered as of the date of the registrant's
27 birth. The surname of the registrant may be changed from that
28 shown on the original birth certificate at the request of the
29 mother and father of the registrant, or the registrant if of
30 legal age. If the mother and father marry each other at any
31 time after the registrant's birth, the department shall, upon

1 the request of the mother and father or registrant if of legal
2 age and proof of the marriage, amend the certificate with
3 regard to the parents' marital status as though the parents
4 were married at the time of birth.

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

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

25 (2) CERTIFICATE OF DEATH AMENDMENTS.--Except for a
26 misspelling or an omission on a death certificate with regard
27 to the name of the surviving spouse, the department may not
28 change the name of a surviving spouse on the certificate
29 except by order of a court of competent jurisdiction.

30 Section 10. Paragraph (h) of subsection (1) of section
31 382.0255, Florida Statutes, is amended to read:

1 382.0255 Fees.--

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

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

7 Section 11. Paragraph (c) of subsection (3) of section
8 383.402, Florida Statutes, is amended to read:

9 383.402 Child abuse death review; State Child Abuse
10 Death Review Committee; local child abuse death review
11 committees.--

12 (3) The State Child Abuse Death Review Committee
13 shall:

14 (c) Prepare an annual statistical report on the
15 incidence and causes of death resulting from child abuse in
16 the state during the prior calendar year. The state committee
17 shall submit a copy of the report by December 31 ~~September 30~~
18 of each year to the Governor, the President of the Senate, and
19 the Speaker of the House of Representatives, ~~with the first~~
20 ~~annual report due on September 30, 2000~~. The report must
21 include recommendations for state and local action, including
22 specific policy, procedural, regulatory, or statutory changes,
23 and any other recommended preventive action.

24 Section 12. Subsections (1), (3), (5), (6), and (9) of
25 section 383.50, Florida Statutes, are amended to read:

26 383.50 Treatment of abandoned newborn infant.--

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

1 (3) Each emergency medical services station or fire
2 station staffed with full-time firefighters, ~~or~~ emergency
3 medical technicians, or paramedics shall accept any newborn
4 infant left with a firefighter, ~~or~~ emergency medical
5 technician, or paramedic. The firefighter, emergency medical
6 technician, or paramedic ~~fire station~~ shall consider these
7 actions as implied consent to and shall:

8 (a) Provide emergency medical services to the newborn
9 infant to the extent he or she is trained to provide those
10 services, and

11 (b) Arrange for the immediate transportation of the
12 newborn infant to the nearest hospital having ~~with~~ emergency
13 services.

14
15 A licensee as defined in s. 401.23, a fire department, or an
16 employee or agent of a licensee or fire department may treat
17 and transport a newborn infant pursuant to this section. If a
18 newborn infant is placed in the physical custody of an
19 employee or agent of a licensee or fire department, such
20 placement shall be considered implied consent for treatment
21 and transport. A licensee, a fire department, or an employee
22 or agent of a licensee or fire department ~~Any firefighter or~~
23 ~~emergency medical technician accepting or providing emergency~~
24 ~~medical services to a newborn infant pursuant to this~~
25 ~~subsection~~ is immune from criminal or civil liability for
26 acting in good faith pursuant to this section ~~having performed~~
27 ~~the act~~. Nothing in this subsection limits liability for
28 negligence.

29 (5) Except where there is actual or suspected child
30 abuse or neglect, any parent who leaves a newborn infant with
31 a firefighter, ~~or~~ emergency medical technician, or paramedic

1 at a fire station or emergency medical services station,or
2 brings a newborn infant to an emergency room of a hospital and
3 expresses an intent to leave the newborn infant and not
4 return, has the absolute right to remain anonymous and to
5 leave at any time and may not be pursued or followed unless
6 the parent seeks to reclaim the newborn infant.

7 (6) A parent of a newborn infant left at a hospital,
8 emergency medical services station,or ~~a~~ fire station under
9 this section may claim his or her newborn infant up until the
10 court enters a judgment terminating his or her parental
11 rights. A claim to ~~of parental rights of~~ the newborn infant
12 must be made to the entity having physical or legal custody of
13 the newborn infant or to the circuit court before whom
14 proceedings involving the newborn infant are pending.

15 (9) A newborn infant left at a ~~fire station or a~~
16 hospital, emergency medical services station, or fire station
17 in accordance with this section shall not be deemed abandoned
18 and subject to reporting and investigation requirements under
19 s. 39.201 unless there is actual or suspected child abuse or
20 until the department takes physical custody of the child.

21 Section 13. Paragraph (b) of subsection (2) of section
22 401.113, Florida Statutes, is amended to read:

23 401.113 Department; powers and duties.--

24 (2) The department shall annually dispense funds
25 contained in the Emergency Medical Services Trust Fund as
26 follows:

27 (b) Forty percent of such moneys must be used by the
28 department for making matching grants to local agencies,
29 municipalities, and emergency medical services organizations
30 for the purpose of conducting research, increasing existing
31 levels of emergency medical services, evaluation, community

1 education, injury prevention programs, and training in
2 cardiopulmonary resuscitation and other lifesaving and first
3 aid techniques.

4 1. At least 90 percent of these moneys must be made
5 available on a cash matching basis. A grant made under this
6 subparagraph must be contingent upon the recipient providing a
7 cash sum equal to 25 percent of the total department-approved
8 grant amount.

9 2. No more than 10 percent of these moneys must be
10 made available to rural emergency medical services, and
11 notwithstanding the restrictions specified in subsection (1),
12 these moneys may be used for improvement, expansion, or
13 continuation of services provided. A grant made under this
14 subparagraph must be contingent upon the recipient providing a
15 cash sum equal to no more than 10 percent of the total
16 department-approved grant amount.

17
18 The department shall develop procedures and standards for
19 grant disbursement under this paragraph based on the need for
20 emergency medical services, the requirements of the population
21 to be served, and the objectives of the state emergency
22 medical services plan.

23 Section 14. Subsections (4) and (5) of section 401.27,
24 Florida Statutes, are amended to read:

25 401.27 Personnel; standards and certification.--

26 (4) An applicant for certification or recertification
27 as an emergency medical technician or paramedic must:

28 (a) Have completed an appropriate training course as
29 follows:

30 1. For an emergency medical technician, an emergency
31 medical technician training course equivalent to the most

1 recent emergency medical technician basic training course of
2 the United States Department of Transportation as approved by
3 the department;

4 2. For a paramedic, a paramedic training program
5 equivalent to the most recent paramedic course of the United
6 States Department of Transportation as approved by the
7 department;

8 (b) Certify under oath that he or she is not addicted
9 to alcohol or any controlled substance;

10 (c) Certify under oath that he or she is free from any
11 physical or mental defect or disease that might impair the
12 applicant's ability to perform his or her duties;

13 (d) Within 1 year after course completion have passed
14 an examination developed or required by the department;

15 (e)1. For an emergency medical technician, hold either
16 a current American Heart Association cardiopulmonary
17 resuscitation course card or an American Red Cross
18 cardiopulmonary resuscitation course card or its equivalent as
19 defined by department rule;

20 2. For a paramedic, hold a certificate of successful
21 course completion in advanced cardiac life support from the
22 American Heart Association or its equivalent or its equivalent
23 as defined by department rule;

24 (f) Submit the certification fee and the nonrefundable
25 examination fee prescribed in s. 401.34, which examination fee
26 will be required for each examination administered to an
27 applicant; and

28 (g) Submit a completed application to the department,
29 which application documents compliance with paragraphs (a),
30 (b), (c), (e), (f), (g), and, if applicable, (d). The
31 application must be submitted so as to be received by the

1 department at least 30 calendar days before the next regularly
2 scheduled examination for which the applicant desires to be
3 scheduled.

4 (5) The certification examination must be offered
5 monthly. The department shall issue an examination admission
6 notice to the applicant advising him or her of the time and
7 place of the examination for which he or she is scheduled.
8 Individuals achieving a passing score on the certification
9 examination may be issued a temporary certificate with their
10 examination grade report. The department must issue an
11 original certification within 45 days after the examination.
12 Examination questions and answers are not subject to discovery
13 but may be introduced into evidence and considered only in
14 camera in any administrative proceeding under chapter 120. If
15 an administrative hearing is held, the department shall
16 provide challenged examination questions and answers to the
17 administrative law judge. The department shall establish by
18 rule the procedure by which an applicant, and the applicant's
19 attorney, may review examination questions and answers in
20 accordance with s. 119.07(3)(a).

21 Section 15. Subsection (2) of section 404.056, Florida
22 Statutes, is repealed, and present subsections (5) and (7) of
23 that section are renumbered as subsections (4) and (6),
24 respectively, and amended to read:

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

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

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

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

27 Section 16. Subsections (1) and (3) of section 742.10,
28 Florida Statutes, are amended to read:

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

31

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

28 (3) The department shall adopt rules which establish
29 the information which must be provided to an individual prior
30 to execution of an ~~a consenting~~ affidavit or voluntary
31 acknowledgment of paternity. The information shall explain the

1 alternatives to, the legal consequences of, and the rights,
2 including, if one parent is a minor, any rights afforded due
3 to minority status, and responsibilities that arise from
4 acknowledging paternity.

5 Section 17. Paragraph (b) of subsection (1) and
6 paragraph (a) of subsection (2) of section 743.0645, Florida
7 Statutes, are amended to read:

8 743.0645 Other persons who may consent to medical care
9 or treatment of a minor.--

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

11 (b) "Medical care and treatment" includes ordinary and
12 necessary medical and dental examination and treatment,
13 including blood testing, preventive care including ordinary
14 immunizations, tuberculin testing, and well-child care, but
15 does not include surgery, general anesthesia, provision of
16 psychotropic medications, or other extraordinary procedures
17 for which a separate court order, power of attorney, or
18 informed consent as provided by law is required.

19 (2) Any of the following persons, in order of priority
20 listed, may consent to the medical care or treatment of a
21 minor who is not committed to the Department of Children and
22 Family Services or the Department of Juvenile Justice or in
23 their custody under chapter 39, chapter 984, or chapter 985
24 when, after a reasonable attempt, a person who has the power
25 to consent as otherwise provided by law cannot be contacted by
26 the treatment provider and actual notice to the contrary has
27 not been given to the provider by that person:

28 (a) A person who possesses a power of attorney to
29 provide medical consent for the minor. A power of attorney
30 executed after July 1, 2001, to provide medical consent for a
31 minor includes the power to consent to medically necessary

1 surgical and general anesthesia services for the minor unless
2 such services are excluded by the individual executing the
3 power of attorney.

4
5 There shall be maintained in the treatment provider's records
6 of the minor documentation that a reasonable attempt was made
7 to contact the person who has the power to consent.

8 Section 18. Section 827.035, Florida Statutes, is
9 amended to read:

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

18 Section 19. Subsection (11) is added to section
19 381.0056, Florida Statutes, to read:

20 381.0056 School health services program.--

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

25 Section 20. Section 391.037, Florida Statutes, is
26 created to read:

27 391.037 Physicians; private-sector services.--It is
28 not a violation of s. 112.313(7) for a physician licensed
29 under chapter 458 or chapter 459 who is providing
30 private-sector services to clients of the department or who is
31 employed by or has a contractual relationship with any

1 business entity or agency that is a contract provider for the
2 department to also be employed by the department to provide
3 services under this chapter or chapter 39 if:

4 (1) The physician does not enter into contracts with
5 the department on behalf of any business entity or agency with
6 whom the physician is employed or has an employment or
7 contractual relationship.

8 (2) The physician's private-sector employment or
9 contractual relationship does not create a conflict between
10 the physician's private-sector interests and public duties or
11 impede the full and faithful discharge of the physician's
12 public duties as an employee of the department.

13 (3) The physician's employment with the department
14 does not compromise the ability of department clients to make
15 a voluntary choice among department-referred physicians and
16 private providers for their medical services.

17 Section 21. This act shall take effect July 1, 2001.
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1 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
2 COMMITTEE SUBSTITUTE FOR
3 Senate Bill 1312

4 The Committee Substitute restores a requirement for data
5 collection and review by the Department of Health for a
6 pediatric oncology program and no longer repeals a provision
7 that establishes education and rehabilitation programs for
8 kidney disease control.

9 The Department of Health is authorized to revise a certificate
10 of live birth until the child's first birthday without
11 requiring documentary evidence.

12 The Department of Health is no longer authorized to release
13 certified copies of documents placed under seal that
14 supplement an amendment to a certificate of birth (affidavit
15 or voluntary acknowledgement of paternity) when it obtains a
16 notarized request from the mother, the father or the child
17 upon reaching legal age.

18 Immunity from criminal or civil liability for acting in good
19 faith pursuant to s. 383.50, F.S., is extended to a licensee,
20 a fire department, or an employee or agent of a licensee or
21 fire department. However, the immunity does not extend to
22 negligence.

23 The bill deletes provisions for the appointment of guardian
24 advocates for tuberculosis patients who have been found
25 incompetent to consent to treatment.

26 The department must establish by rule the procedure by which
27 an applicant, and the applicant's attorney may review the
28 examination questions and answers in accordance with s.
29 119.07(3)(a), F.S. Section 119.07(3)(a), F.S., provides a
30 public records exemption for the examination questions and
31 answers and grants examinees the right to review their own
32 examination questions and answers.

33 The department is authorized to define by rule the equivalent
34 of cardiopulmonary resuscitation courses for emergency medical
35 technicians and paramedics.

36 The bill provides that a person who obtains legal power of
37 attorney to provide medical consent for a minor has the power
38 to consent to necessary surgical and general anesthesia
39 services.

40 The bill amends the Florida Patient's Bill of Rights and
41 Responsibilities, which requires health care providers and
42 health care facilities to acknowledge and provide to patients,
43 in writing, a statement of their right to impartial access to
44 medical treatment or accommodations, regardless of race,
45 national origin, religion, physical handicap, or source of
46 payment, to extend impartial access to such medical treatment
47 or accommodations regardless of the type of handicap.

48 The bill creates an exception to conflict of interest
49 provisions applicable to public employees for licensed medical
50 or osteopathic physicians who provide medical services, as

1 public employees for the Children's Medical Services network
2 under specified conditions.
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