

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.
6 154.02, F.S.; requiring that certain moneys in
7 each County Health Department Trust Fund be set
8 aside and used for specified purposes; amending
9 s. 232.465, F.S.; expanding the type of
10 personnel that may supervise nonmedical school
11 district personnel; providing technical
12 corrections; amending s. 381.0059, F.S.;
13 revising background-screening requirements for
14 school health service personnel; amending s.
15 381.026, F.S., relating to the Florida
16 Patient's Bill of Rights and Responsibilities;
17 replacing references to the term "physical
18 handicap" with the term "handicap"; amending
19 ss. 382.003, 382.004, 382.013, 382.016,
20 382.0255, F.S.; modifying provisions relating
21 to vital records; amending s. 383.402, F.S.;
22 modifying the annual report date for child
23 abuse death reviews; amending s. 401.113, F.S.;
24 providing for use of funds in the Emergency
25 Medical Services Trust Fund for injury
26 prevention programs; amending s. 401.27, F.S.;
27 authorizing the department to define by rule
28 the equivalent of cardiopulmonary resuscitation
29 courses for emergency medical technicians and
30 paramedics; exempting emergency medical
31 services 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
7 soil-testing requirement; clarifying rulemaking
8 authority; amending s. 499.012, F.S.; revising
9 provisions relating to pharmacy wholesaler
10 permits; amending s. 742.10, F.S.; requiring a
11 voluntary acknowledgement of paternity for a
12 child born out of wedlock to be notarized;
13 amending s. 743.0645, F.S., relating to consent
14 to medical care or treatment of a minor;
15 providing that a power of attorney to provide
16 such consent includes the power to consent to
17 surgical and general anesthesia services;
18 amending s. 381.0056, F.S.; providing
19 requirements for school health programs funded
20 by health care districts or certain health care
21 entities; creating s. 391.037, F.S.; providing
22 that the furnishing of medical services by
23 state employees under specified conditions does
24 not constitute a conflict of interest; amending
25 s. 383.14, F.S.; specifying that screenings for
26 specified medical disorders must be performed
27 by the state Public Health Laboratory;
28 repealing s. 71(1) of ch. 98-171, Laws of
29 Florida; abrogating the repeal of provisions of
30 law which require background screening of
31 applicants for licensure, certification, or

1 registration; amending s. 509.049, F.S.;

2 revising provisions relating to food service

3 employee training programs; providing for

4 audits and revocation of training program

5 approval; providing rulemaking authority;

6 providing effective dates.

7

8 Be It Enacted by the Legislature of the State of Florida:

9

10 Section 1. Paragraph (f) of subsection (2) of section

11 39.201, Florida Statutes, is amended to read:

12 39.201 Mandatory reports of child abuse, abandonment,

13 or neglect; mandatory reports of death; central abuse

14 hotline.--

15 (2)

16 (f) Reports involving abandoned newborn infants as

17 described in s. 383.50 shall be made and received by the

18 department.

19 1. If the report is of an abandoned newborn infant as

20 described in s. 383.50 and there is no indication of abuse,

21 neglect, or abandonment ~~of the infant~~ other than that

22 necessarily entailed in the infant having been left at a ~~fire~~

23 ~~station or hospital, emergency medical services station, or~~

24 fire station, the department shall provide to the caller the

25 name of a licensed child-placing agency on a rotating basis

26 from a list of licensed child-placing agencies eligible and

27 required to accept physical custody of and to place newborn

28 infants left at a hospital, emergency medical services

29 station, or a fire station. The report shall not be considered

30 a report of abuse, neglect, or abandonment solely because the

31

1 infant has been left at a hospital, emergency medical services
2 station, or fire station pursuant to s. 383.50.

3 2. If the caller reports indications of abuse or
4 neglect beyond that necessarily entailed in the infant having
5 been left at a ~~fire station or~~ hospital, emergency medical
6 services station, or fire station, the report shall be
7 considered as a report of abuse, neglect, or abandonment and
8 shall be subject to the requirements of s. 39.395 and all
9 other relevant provisions of this chapter, notwithstanding any
10 provisions of chapter 383.

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

14 63.0423 Procedures with respect to abandoned
15 newborns.--

16 (1) A licensed child-placing agency that takes
17 physical custody of a newborn infant left at a hospital,
18 emergency medical services station, or a fire station pursuant
19 to s. 383.50, shall assume responsibility for all medical
20 costs and all other costs associated with the emergency
21 services and care of the newborn infant from the time the
22 licensed child-placing agency takes physical custody of the
23 newborn infant.

24 (4) Within 7 days after accepting physical custody of
25 the newborn infant, the licensed child-placing agency shall
26 initiate a diligent search to notify and to obtain consent
27 from a parent whose identity or location is unknown, other
28 than the parent who has left a newborn infant at a ~~fire~~
29 ~~station or a~~ hospital, emergency medical services station, or
30 fire station in accordance with s. 383.50. The diligent search
31 must include, at a minimum, inquiries of all known relatives

1 of the parent, inquiries of all offices or program areas of
2 the department likely to have information about the parent,
3 inquiries of other state and federal agencies likely to have
4 information about the parent, inquiries of appropriate utility
5 and postal providers and inquiries of appropriate law
6 enforcement agencies. Constructive notice must also be
7 provided pursuant to chapter 49 in the county where the
8 newborn infant was left and in the county where the petition
9 to terminate parental rights will be filed. The constructive
10 notice must include at a minimum, available identifying
11 information, and information on whom a parent must contact in
12 order to assert a claim of parental rights of the newborn
13 infant and how to assert that claim. If a parent is identified
14 and located, notice of the adjudicatory hearing shall be
15 provided. If a parent can not be identified or located
16 subsequent to the diligent search and constructive notice, the
17 licensed child-placing agency shall file an affidavit of
18 diligent search at the same time that the petition to
19 terminate parental rights is filed.

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

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

29 (10) Except to the extent expressly provided in this
30 section, proceedings initiated by a licensed child-placing
31 agency for the termination of parental rights and subsequent

1 adoption of a newborn left at a hospital, emergency medical
2 services station, or a fire station in accordance with s.
3 383.50 shall be conducted pursuant to this chapter ~~63~~.
4 Section 3. Subsection (3) of section 154.02, Florida
5 Statutes, is amended to read:
6 154.02 County Health Department Trust Fund.--
7 (3) The County Health Department Trust Fund shall be
8 governed as follows:
9 (a) Each county health department shall be accounted
10 for separately within the trust fund.†
11 (b) For each participating county, the trust fund
12 shall be divided into three levels of service, one for each
13 type of service to be provided pursuant to s. 154.01(2)(a),
14 (b), and (c).†
15 (c) Funds appropriated by the Legislature or any
16 county for the purpose of providing county health department
17 services, as defined in s. 154.01(2), shall be disbursed
18 through the trust fund.†
19 (d) Under no circumstances may there be transfers of
20 funds between levels of service without the proper contract
21 amendments unless the county health department director
22 determines that an emergency exists wherein a time delay would
23 endanger the public health and the State Health Officer has
24 approved the transfer. The State Health Officer shall forward
25 written evidence of his or her approval to the county health
26 department within 30 days after the transfer.†~~and~~
27 (e) Any surplus funds, including fees or accrued
28 interest, remaining in any county health department account at
29 the end of the fiscal year shall be credited to the state or
30 county, as appropriate, in such amounts as may be determined
31 by multiplying the surplus funds remaining in a program

1 account by the percentage of funding provided by each
2 governmental entity for the rendering of the particular health
3 service for which such account was established. Such surplus
4 funds may be applied toward the funding requirements of each
5 participating governmental entity in the following year;
6 however, in each such case, all surplus funds, including fees
7 and accrued interest, shall remain in the trust fund and shall
8 be accounted for in a manner which clearly illustrates the
9 amount which has been credited to each participating
10 governmental entity.

11 (f) At a minimum, the trust fund shall consist of:

12 1. An operating reserve, consisting of 8.5 percent of
13 the annual operating budget, to be maintained to ensure
14 adequate cash flow from non-state revenue sources.

15 2. An emergency fund of \$500,000, derived from an
16 annual assessment on county health department funds based upon
17 their proportionate share of state general revenue, to be
18 maintained for county health departments for use in responding
19 to public health emergencies such as epidemics and natural
20 disasters. The emergency fund shall be increased each July 1
21 by the increase in the consumer price index that occurred
22 during the previous 12 months.

23 3. A fixed capital outlay fund for nonrecurring
24 expenses that are needed for the renovation and expansion of
25 facilities, and for the construction of new and replacement
26 facilities identified by the Department of Health in
27 conjunction with the board of county commissioners in their
28 annual state-county contract and approved by the secretary of
29 the department. These funds may not be used for construction
30 projects unless there is a specific appropriation included in
31 the General Appropriations Act for this purpose.

1 Section 4. Subsections (2) and (3) of section 232.465,
2 Florida Statutes, are amended to read:

3 232.465 Provision of medical services; restrictions.--

4 (2) Nonmedical assistive personnel shall be allowed to
5 perform health-related services upon successful completion of
6 child-specific training by a registered nurse or advanced
7 registered nurse practitioner licensed under chapter 464, a
8 ~~licensed practical nurse,~~ a physician licensed pursuant to
9 chapter 458 or chapter 459, or a physician assistant licensed
10 pursuant to chapter 458 or chapter 459. All procedures shall
11 be monitored periodically by a the nurse, advanced registered
12 nurse practitioner, physician assistant, or physician. Those
13 procedures include, but are not limited to:

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

15 (b) Gastrostomy tube feeding.

16 (c) Monitoring blood glucose.

17 (d) Administering emergency injectable medication.

18 (3) For all other invasive medical services not listed
19 in this section ~~subsection (1) or subsection (2)~~, a registered
20 nurse or advanced registered nurse practitioner licensed under
21 chapter 464, a licensed practical nurse, a physician licensed
22 pursuant to chapter 458 or chapter 459, or a physician
23 assistant licensed pursuant to chapter 458 or chapter 459
24 shall determine if nonmedical school district personnel shall
25 be allowed to perform such service.

26 Section 5. Section 381.0059, Florida Statutes, is
27 amended to read:

28 381.0059 Background screening requirements for school
29 health services personnel.--

30 (1)~~(a)~~ Pursuant to the provisions of chapter 435, any
31 person who provides services under a school health services

1 plan pursuant to s. 381.0056 must meet complete level 2
2 screening requirements as described in s. 435.04 ~~as provided~~
3 ~~in chapter 435~~. A person may satisfy the requirements of this
4 subsection by submitting proof of compliance with the
5 requirements of level 2 screening ~~under s. 435.04~~, conducted
6 within 12 months before the date that person initially
7 provides services under a school health services plan pursuant
8 to ~~s. 381.0056~~.

9 (2) A person may provide ~~Any person who provides~~
10 services under a school health services plan pursuant to s.
11 381.0056 prior to the completion of level 2 screening.
12 ~~However, shall be on probationary status pending the results~~
13 ~~of the level 2 screening, such person may not be alone with a~~
14 minor.

15 ~~(b) In order to conduct level 2 screening, any person~~
16 ~~who provides services under a school health services plan~~
17 ~~pursuant to s. 381.0056 must furnish to the Department of~~
18 ~~Health a full set of fingerprints to enable the department to~~
19 ~~conduct a criminal background investigation. Each person who~~
20 ~~provides services under a school health services plan pursuant~~
21 ~~to s. 381.0056 must file a complete set of fingerprints taken~~
22 ~~by an authorized law enforcement officer and must provide~~
23 ~~sufficient information for a statewide criminal records~~
24 ~~correspondence check through the Florida Department of Law~~
25 ~~Enforcement. The Department of Health shall submit the~~
26 ~~fingerprints to the Florida Department of Law Enforcement for~~
27 ~~a statewide criminal history check, and the Florida Department~~
28 ~~of Law Enforcement shall forward the fingerprints to the~~
29 ~~Federal Bureau of Investigation for a national criminal~~
30 ~~history check.~~

31

1 ~~(c) The person subject to the required background~~
2 ~~screening or his or her employer must pay the fees required to~~
3 ~~obtain the background screening. Payment for the screening~~
4 ~~must be submitted to the Department of Health. The Florida~~
5 ~~Department of Law Enforcement shall charge the Department of~~
6 ~~Health for a level 2 screening at a rate sufficient to cover~~
7 ~~the costs of such screening pursuant to s. 943.053(3). The~~
8 ~~Department of Health shall establish a schedule of fees to~~
9 ~~cover the costs of the level 2 screening. The applicant or his~~
10 ~~or her employer who pays for the required screening may be~~
11 ~~reimbursed by the Department of Health from funds designated~~
12 ~~for this purpose.~~

13 ~~(2)(a) When the Department of Health has reasonable~~
14 ~~cause to believe that grounds exist for the disqualification~~
15 ~~of any person providing services under a school health~~
16 ~~services plan pursuant to s. 381.0056, as a result of~~
17 ~~background screening, it shall notify the person in writing,~~
18 ~~stating the specific record that indicates noncompliance with~~
19 ~~the level 2 screening standards. The Department of Health must~~
20 ~~disqualify any person from providing services under a school~~
21 ~~health services plan pursuant to s. 381.0056 if the department~~
22 ~~finds that the person is not in compliance with the level 2~~
23 ~~screening standards. A person who provides services under a~~
24 ~~school health plan pursuant to s. 381.0056 on a probationary~~
25 ~~status and who is disqualified because of the results of his~~
26 ~~or her background screening may contest that disqualification.~~

27 ~~(3)(b)~~ As provided in s. 435.07, the Department of
28 Health may grant an exemption from disqualification to provide
29 ~~a person providing~~ services under a school health services
30 plan pursuant to s. 381.0056 ~~who has not received a~~
31

1 ~~professional license or certification from the Department of~~
2 ~~Health.~~

3 ~~(c) As provided in s. 435.07, the Department of Health~~
4 ~~may grant an exemption from disqualification to a person~~
5 ~~providing services under a school health services plan~~
6 ~~pursuant to s. 381.0056 who has received a professional~~
7 ~~license or certification from the Department of Health.~~

8 ~~(3) Any person who is required to undergo the~~
9 ~~background screening to provide services under a school health~~
10 ~~plan pursuant to s. 381.0056 who refuses to cooperate in such~~
11 ~~screening or refuses to submit the information necessary to~~
12 ~~complete the screening, including fingerprints, shall be~~
13 ~~disqualified for employment or volunteering in such position~~
14 ~~or, if employed, shall be dismissed.~~

15 (4) Under penalty of perjury, each person who provides
16 services under a school health plan pursuant to s. 381.0056
17 must attest to meeting the level 2 screening requirements for
18 participation under the plan and agree to inform his or her
19 employer ~~the Department of Health~~ immediately if convicted of
20 any disqualifying offense while providing services under a
21 ~~school health services plan pursuant to s. 381.0056.~~

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

27 Section 6. Paragraph (d) of subsection (4) and
28 subsection (6) of section 381.026, Florida Statutes, are
29 amended to read:

30 381.026 Florida Patient's Bill of Rights and
31 Responsibilities.--

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

3 (d) Access to health care.--

4 1. A patient has the right to impartial access to
5 medical treatment or accommodations, regardless of race,
6 national origin, religion, ~~physical~~ handicap, or source of
7 payment.

8 2. A patient has the right to treatment for any
9 emergency medical condition that will deteriorate from failure
10 to provide such treatment.

11 (6) SUMMARY OF RIGHTS AND RESPONSIBILITIES.--Any
12 health care provider who treats a patient in an office or any
13 health care facility licensed under chapter 395 that provides
14 emergency services and care or outpatient services and care to
15 a patient, or admits and treats a patient, shall adopt and
16 make available to the patient, in writing, a statement of the
17 rights and responsibilities of patients, including the
18 following:

19
20 SUMMARY OF THE FLORIDA PATIENT'S BILL
21 OF RIGHTS AND RESPONSIBILITIES
22

23 Florida law requires that your health care provider or
24 health care facility recognize your rights while you are
25 receiving medical care and that you respect the health care
26 provider's or health care facility's right to expect certain
27 behavior on the part of patients. You may request a copy of
28 the full text of this law from your health care provider or
29 health care facility. A summary of your rights and
30 responsibilities follows:
31

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

4 A patient has the right to a prompt and reasonable
5 response to questions and requests.

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

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

11 A patient has the right to know what rules and
12 regulations apply to his or her conduct.

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

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

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

21 A patient who is eligible for Medicare has the right to
22 know, upon request and in advance of treatment, whether the
23 health care provider or health care facility accepts the
24 Medicare assignment rate.

25 A patient has the right to receive, upon request, prior
26 to treatment, a reasonable estimate of charges for medical
27 care.

28 A patient has the right to receive a copy of a
29 reasonably clear and understandable, itemized bill and, upon
30 request, to have the charges explained.

31

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

4 A patient has the right to treatment for any emergency
5 medical condition that will deteriorate from failure to
6 provide treatment.

7 A patient has the right to know if medical treatment is
8 for purposes of experimental research and to give his or her
9 consent or refusal to participate in such experimental
10 research.

11 A patient has the right to express grievances regarding
12 any violation of his or her rights, as stated in Florida law,
13 through the grievance procedure of the health care provider or
14 health care facility which served him or her and to the
15 appropriate state licensing agency.

16 A patient is responsible for providing to the health
17 care provider, to the best of his or her knowledge, accurate
18 and complete information about present complaints, past
19 illnesses, hospitalizations, medications, and other matters
20 relating to his or her health.

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

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

26 A patient is responsible for following the treatment
27 plan recommended by the health care provider.

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

31

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

4 A patient is responsible for assuring that the
5 financial obligations of his or her health care are fulfilled
6 as promptly as possible.

7 A patient is responsible for following health care
8 facility rules and regulations affecting patient care and
9 conduct.

10 Section 7. Subsections (6) and (10) of section
11 382.003, Florida Statutes, are amended to read:

12 382.003 Powers and duties of the department.--The
13 department may:

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

21 (10) Accept, use, and produce all records, reports,
22 and documents necessary for carrying out the provisions of
23 this chapter, in paper or electronic form, and adopt,
24 ~~promulgate,~~and enforce all rules necessary for the
25 acceptance, use, production creation, issuance, recording,
26 maintenance, and processing of such vital records, reports,
27 and documents,and for carrying out the provisions of ss.
28 382.004-382.0135 and ss. 382.016-382.019.

29 Section 8. Subsections (1) and (2) of section 382.004,
30 Florida Statutes, are amended to read:

31 382.004 Reproduction and destruction of records.--

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

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

9 Section 9. Paragraph (c) of subsection (2) of section
10 382.013, Florida Statutes, is amended to read:

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

20 (2) PATERNITY.--

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

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

8 Section 10. Section 382.016, Florida Statutes, is
9 amended to read:

10 382.016 Amendment of records.--

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

22 (1)(2) CERTIFICATE OF LIVE BIRTH AMENDMENT.--

23 (a) Until a child's first birthday, the child's given
24 name or surname may be amended upon receipt of the fees
25 prescribed in s. 382.0255 and an affidavit signed by each
26 parent named on the original birth certificate or by the
27 registrant's guardian. If both parents are named on the
28 certificate but both are not willing or available to sign the
29 affidavit, the registrant's name may only be amended by court
30 order.

31

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

19 ~~(4) When a new certificate of birth is prepared~~
20 ~~pursuant to subsection (3),~~The department shall substitute
21 the new certificate of birth for the original certificate on
22 file. All copies of the original certificate of live birth in
23 the custody of a local registrar or other state custodian of
24 vital records shall be forwarded to the State Registrar.
25 Thereafter, when a certified copy of the certificate of birth
26 or portion thereof is issued, it shall be a copy of the new
27 certificate of birth or portion thereof, except when a court
28 order requires issuance of a certified copy of the original
29 certificate of birth. The department shall place the original
30 certificate of birth and all papers pertaining thereto under
31

1 seal, not to be broken except by order of a court of competent
2 jurisdiction or as otherwise provided by law.

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

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

14 Section 11. Paragraph (h) of subsection (1) of section
15 382.0255, Florida Statutes, is amended to read:

16 382.0255 Fees.--

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

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

22 Section 12. Paragraph (c) of subsection (3) of section
23 383.402, Florida Statutes, is amended to read:

24 383.402 Child abuse death review; State Child Abuse
25 Death Review Committee; local child abuse death review
26 committees.--

27 (3) The State Child Abuse Death Review Committee
28 shall:

29 (c) Prepare an annual statistical report on the
30 incidence and causes of death resulting from child abuse in
31 the state during the prior calendar year. The state committee

1 shall submit a copy of the report by December 31 ~~September 30~~
2 of each year to the Governor, the President of the Senate, and
3 the Speaker of the House of Representatives, ~~with the first~~
4 ~~annual report due on September 30, 2000~~. The report must
5 include recommendations for state and local action, including
6 specific policy, procedural, regulatory, or statutory changes,
7 and any other recommended preventive action.

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

10 383.50 Treatment of abandoned newborn infant.--

11 (1) As used in this section, the term "newborn infant"
12 means a child that a licensed physician reasonably believes to
13 be approximately 3 days old or younger at the time the child
14 is left at a hospital, emergency medical services station, or
15 a fire station.

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

23 (a) Provide emergency medical services to the newborn
24 infant to the extent he or she is trained to provide those
25 services, and

26 (b) Arrange for the immediate transportation of the
27 newborn infant to the nearest hospital having ~~with~~ emergency
28 services.

29
30 A licensee as defined in s. 401.23, a fire department, or an
31 employee or agent of a licensee or fire department may treat

1 and transport a newborn infant pursuant to this section. If a
2 newborn infant is placed in the physical custody of an
3 employee or agent of a licensee or fire department, such
4 placement shall be considered implied consent for treatment
5 and transport. A licensee, a fire department, or an employee
6 or agent of a licensee or fire department ~~Any firefighter or~~
7 ~~emergency medical technician accepting or providing emergency~~
8 ~~medical services to a newborn infant pursuant to this~~
9 ~~subsection~~ is immune from criminal or civil liability for
10 acting in good faith pursuant to this section ~~having performed~~
11 ~~the act~~. Nothing in this subsection limits liability for
12 negligence.

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

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

30 (9) A newborn infant left at a ~~fire station or a~~
31 hospital, emergency medical services station, or fire station

1 in accordance with this section shall not be deemed abandoned
2 and subject to reporting and investigation requirements under
3 s. 39.201 unless there is actual or suspected child abuse or
4 until the department takes physical custody of the child.

5 Section 14. Paragraph (b) of subsection (2) of section
6 401.113, Florida Statutes, is amended to read:

7 401.113 Department; powers and duties.--

8 (2) The department shall annually dispense funds
9 contained in the Emergency Medical Services Trust Fund as
10 follows:

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

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

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

1
2 The department shall develop procedures and standards for
3 grant disbursement under this paragraph based on the need for
4 emergency medical services, the requirements of the population
5 to be served, and the objectives of the state emergency
6 medical services plan.

7 Section 15. Subsections (4) and (5) of section 401.27,
8 Florida Statutes, are amended to read:

9 401.27 Personnel; standards and certification.--

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

12 (a) Have completed an appropriate training course as
13 follows:

14 1. For an emergency medical technician, an emergency
15 medical technician training course equivalent to the most
16 recent emergency medical technician basic training course of
17 the United States Department of Transportation as approved by
18 the department;

19 2. For a paramedic, a paramedic training program
20 equivalent to the most recent paramedic course of the United
21 States Department of Transportation as approved by the
22 department;

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

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

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

30 (e)1. For an emergency medical technician, hold either
31 a current American Heart Association cardiopulmonary

1 resuscitation course card or an American Red Cross
2 cardiopulmonary resuscitation course card or its equivalent as
3 defined by department rule;

4 2. For a paramedic, hold a certificate of successful
5 course completion in advanced cardiac life support from the
6 American Heart Association or its equivalent or its equivalent
7 as defined by department rule;

8 (f) Submit the certification fee and the nonrefundable
9 examination fee prescribed in s. 401.34, which examination fee
10 will be required for each examination administered to an
11 applicant; and

12 (g) Submit a completed application to the department,
13 which application documents compliance with paragraphs (a),
14 (b), (c), (e), (f), (g), and, if applicable, (d). The
15 application must be submitted so as to be received by the
16 department at least 30 calendar days before the next regularly
17 scheduled examination for which the applicant desires to be
18 scheduled.

19 (5) The certification examination must be offered
20 monthly. The department shall issue an examination admission
21 notice to the applicant advising him or her of the time and
22 place of the examination for which he or she is scheduled.
23 Individuals achieving a passing score on the certification
24 examination may be issued a temporary certificate with their
25 examination grade report. The department must issue an
26 original certification within 45 days after the examination.
27 Examination questions and answers are not subject to discovery
28 but may be introduced into evidence and considered only in
29 camera in any administrative proceeding under chapter 120. If
30 an administrative hearing is held, the department shall
31 provide challenged examination questions and answers to the

1 administrative law judge. The department shall establish by
2 rule the procedure by which an applicant, and the applicant's
3 attorney, may review examination questions and answers in
4 accordance with s. 119.07(3)(a).

5 Section 16. Subsection (2) of section 404.056, Florida
6 Statutes, is repealed, and present subsections (5) and (7) of
7 that section are renumbered as subsections (4) and (6),
8 respectively, and amended to read:

9 404.056 Environmental radiation standards and
10 programs; radon protection.--

11 (4)~~(5)~~ MANDATORY TESTING.--All public and private
12 school buildings or school sites housing students in
13 kindergarten through grade 12; all state-owned,
14 state-operated, state-regulated, or state-licensed 24-hour
15 care facilities; and all state-licensed day care centers for
16 children or minors which are located in counties designated
17 within the Department of Community Affairs' Florida Radon
18 Protection Map Categories as "Intermediate" or "Elevated Radon
19 Potential" shall be measured to determine the level of indoor
20 radon, using measurement procedures established by the
21 department. Testing shall be completed within the first year
22 of construction in 20 percent of the habitable first floor
23 spaces within any of the regulated buildings. Initial
24 measurements shall be completed and reported to the department
25 by July 1 of the year the building is opened for occupancy.
26 Followup testing must be completed in 5 percent of the
27 habitable first floor spaces within any of the regulated
28 buildings after the building has been occupied for 5 years,
29 and results must be reported to the department by July 1 of
30 the 5th year of occupancy. After radon measurements have been
31 made twice, regulated buildings need not undergo further

1 testing unless significant structural changes occur. ~~Where~~
2 ~~fill soil is required for the construction of a regulated~~
3 ~~building, initial testing of fill soil must be performed using~~
4 ~~measurement procedures established by the department, and the~~
5 ~~results must be reported to the department prior to~~
6 ~~construction.~~ No funds collected pursuant to s. 553.721 shall
7 be used to carry out the provisions of this subsection.

8 (6)(7) RULES.--The department shall have the authority
9 to promulgate rules necessary to carry out the provisions of
10 this section, including the definition of terms.

11 Section 17. Paragraph (d) of subsection (2) of section
12 499.012, Florida Statutes, is amended to read:

13 499.012 Wholesale distribution; definitions; permits;
14 general requirements.--

15 (2) The following types of wholesaler permits are
16 established:

17 (d) A retail pharmacy wholesaler's permit. A retail
18 pharmacy wholesaler is a retail pharmacy engaged in wholesale
19 distribution of prescription drugs within this state under the
20 following conditions:

21 1. The pharmacy must obtain a retail pharmacy
22 wholesaler's permit pursuant to ss. 499.001-499.081 and the
23 rules adopted under those sections.

24 2. The wholesale distribution activity does not exceed
25 30 percent of the total annual purchases of prescription
26 drugs. If the wholesale distribution activity exceeds the
27 30-percent maximum, the pharmacy must obtain a prescription
28 drug wholesaler's permit.

29 3. The transfer of prescription drugs that appear in
30 any schedule contained in chapter 893 is subject to chapter
31

1 893 and the federal Comprehensive Drug Abuse Prevention and
2 Control Act of 1970.

3 4. The transfer is between a retail pharmacy and
4 another retail pharmacy, a Modified Class II Institutional
5 Pharmacy, or a health care practitioner licensed in this state
6 and authorized by law to dispense or prescribe prescription
7 drugs.

8 5. All records of sales of prescription drugs subject
9 to this section must be maintained separate and distinct from
10 other records and comply with the recordkeeping requirements
11 of ss. 499.001-499.081.

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

14 742.10 Establishment of paternity for children born
15 out of wedlock.--

16 (1) This chapter provides the primary jurisdiction and
17 procedures for the determination of paternity for children
18 born out of wedlock. When the establishment of paternity has
19 been raised and determined within an adjudicatory hearing
20 brought under the statutes governing inheritance, or
21 dependency under workers' compensation or similar compensation
22 programs, or when an affidavit acknowledging paternity or a
23 stipulation of paternity is executed by both parties and filed
24 with the clerk of the court, or when an ~~a consenting~~ affidavit
25 or notarized voluntary acknowledgement of paternity as
26 provided for in s. 382.013 or s. 382.016 is executed by both
27 parties, it shall constitute the establishment of paternity
28 for purposes of this chapter. If no adjudicatory proceeding
29 was held, a notarized voluntary acknowledgment of paternity
30 shall create a rebuttable presumption, as defined by s.
31 90.304, of paternity and is subject to the right of any

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

12 (3) The department shall adopt rules which establish
13 the information which must be provided to an individual prior
14 to execution of an ~~a consenting~~ affidavit or voluntary
15 acknowledgment of paternity. The information shall explain the
16 alternatives to, the legal consequences of, and the rights,
17 including, if one parent is a minor, any rights afforded due
18 to minority status, and responsibilities that arise from
19 acknowledging paternity.

20 Section 19. Paragraph (b) of subsection (1) and
21 paragraph (a) of subsection (2) of section 743.0645, Florida
22 Statutes, are amended to read:

23 743.0645 Other persons who may consent to medical care
24 or treatment of a minor.--

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

26 (b) "Medical care and treatment" includes ordinary and
27 necessary medical and dental examination and treatment,
28 including blood testing, preventive care including ordinary
29 immunizations, tuberculin testing, and well-child care, but
30 does not include surgery, general anesthesia, provision of
31 psychotropic medications, or other extraordinary procedures

1 for which a separate court order, power of attorney, or
2 informed consent as provided by law is required.

3 (2) Any of the following persons, in order of priority
4 listed, may consent to the medical care or treatment of a
5 minor who is not committed to the Department of Children and
6 Family Services or the Department of Juvenile Justice or in
7 their custody under chapter 39, chapter 984, or chapter 985
8 when, after a reasonable attempt, a person who has the power
9 to consent as otherwise provided by law cannot be contacted by
10 the treatment provider and actual notice to the contrary has
11 not been given to the provider by that person:

12 (a) A person who possesses a power of attorney to
13 provide medical consent for the minor. A power of attorney
14 executed after July 1, 2001, to provide medical consent for a
15 minor includes the power to consent to medically necessary
16 surgical and general anesthesia services for the minor unless
17 such services are excluded by the individual executing the
18 power of attorney.

19
20 There shall be maintained in the treatment provider's records
21 of the minor documentation that a reasonable attempt was made
22 to contact the person who has the power to consent.

23 Section 20. Section 827.035, Florida Statutes, is
24 amended to read:

25 827.035 Newborn infants.--It shall not constitute
26 neglect of a child pursuant to s. 827.03 or contributing to
27 the dependency of a child pursuant to s. 827.04, if a parent
28 leaves a newborn infant, ~~as defined in s. 383.50,~~ at a
29 hospital, emergency medical services station, or fire station
30 or brings a newborn infant to an emergency room and expresses
31

1 an intent to leave the infant and not return, in compliance
2 with s. 383.50.

3 Section 21. Subsection (11) is added to section
4 381.0056, Florida Statutes, to read:

5 381.0056 School health services program.--

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

10 Section 22. Section 391.037, Florida Statutes, is
11 created to read:

12 391.037 Physicians; private-sector services.--It is
13 not a violation of s. 112.313(7) for a physician licensed
14 under chapter 458 or chapter 459 who is providing
15 private-sector services to clients of the department or who is
16 employed by or has a contractual relationship with any
17 business entity or agency that is a contract provider for the
18 department to also be employed by the department to provide
19 services under this chapter or chapter 39 if:

20 (1) The physician does not enter into contracts with
21 the department on behalf of any business entity or agency with
22 whom the physician is employed or has an employment or
23 contractual relationship.

24 (2) The physician's private-sector employment or
25 contractual relationship does not create a conflict between
26 the physician's private-sector interests and public duties or
27 impede the full and faithful discharge of the physician's
28 public duties as an employee of the department.

29 (3) The physician's employment with the department
30 does not compromise the ability of department clients to make
31

1 a voluntary choice among department-referred physicians and
2 private providers for their medical services.

3 Section 23. Paragraph (b) of subsection (1) of section
4 383.14, Florida Statutes, is amended to read:

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

8 (1) SCREENING REQUIREMENTS.--To help ensure access to
9 the maternal and child health care system, the Department of
10 Health shall promote the screening of all infants born in
11 Florida for phenylketonuria and other metabolic, hereditary,
12 and congenital disorders known to result in significant
13 impairment of health or intellect, as screening programs
14 accepted by current medical practice become available and
15 practical in the judgment of the department. The department
16 shall also promote the identification and screening of all
17 infants born in this state and their families for
18 environmental risk factors such as low income, poor education,
19 maternal and family stress, emotional instability, substance
20 abuse, and other high-risk conditions associated with
21 increased risk of infant mortality and morbidity to provide
22 early intervention, remediation, and prevention services,
23 including, but not limited to, parent support and training
24 programs, home visitation, and case management.
25 Identification, perinatal screening, and intervention efforts
26 shall begin prior to and immediately following the birth of
27 the child by the attending health care provider. Such efforts
28 shall be conducted in hospitals, perinatal centers, county
29 health departments, school health programs that provide
30 prenatal care, and birthing centers, and reported to the
31 Office of Vital Statistics.

1 (b) Postnatal screening.--A risk factor analysis using
2 the department's designated risk assessment instrument shall
3 also be conducted as part of the medical screening process
4 upon the birth of a child and submitted to the department's
5 Office of Vital Statistics for recording and other purposes
6 provided for in this chapter. The department's screening
7 process for risk assessment shall include a scoring mechanism
8 and procedures that establish thresholds for notification,
9 further assessment, referral, and eligibility for services by
10 professionals or paraprofessionals consistent with the level
11 of risk. Procedures for developing and using the screening
12 instrument, notification, referral, and care coordination
13 services, reporting requirements, management information, and
14 maintenance of a computer-driven registry in the Office of
15 Vital Statistics which ensures privacy safeguards must be
16 consistent with the provisions and plans established under
17 chapter 411, Pub. L. No. 99-457, and this chapter. Procedures
18 established for reporting information and maintaining a
19 confidential registry must include a mechanism for a
20 centralized information depository at the state and county
21 levels. The department shall coordinate with existing risk
22 assessment systems and information registries. The department
23 must ensure, to the maximum extent possible, that the
24 screening information registry is integrated with the
25 department's automated data systems, including the Florida
26 On-line Recipient Integrated Data Access (FLORIDA) system.
27 Tests and screenings must be performed by the state Public
28 Health Laboratory in coordination with Children's Medical
29 Services and at such times and in such manner as is prescribed
30 by the department after consultation with the Genetics and
31

1 Infant Screening Advisory Council and the State Coordinating
2 Council for School Readiness Programs.

3 Section 24. Effective June 1, 2001, subsection (1) of
4 section 71 of chapter 98-171, Laws of Florida, is repealed.

5 Section 25. Section 509.049, Florida Statutes, is
6 amended to read:

7 509.049 Food service employee training.--

8 (1) The division shall adopt, by rule, minimum food
9 safety protection standards for the training of all food
10 service employees who are responsible for the storage,
11 preparation, display, or serving of foods to the public in
12 establishments regulated under this chapter. These standards
13 shall not include an examination, but shall provide for a food
14 safety training certificate program for food service employees
15 to be administered by a private nonprofit provider chosen by
16 the division.

17 (2) The division shall issue a request for competitive
18 sealed proposals which includes a statement of the contractual
19 services sought and all terms and conditions applicable to the
20 contract. The division shall award the contract to the
21 provider whose proposal is determined in writing to be the
22 most advantageous to the state, taking into consideration the
23 price and the other criteria set forth in the request for
24 proposals. The division shall contract with a provider on a
25 4-year basis and is authorized to promulgate by rule a per
26 employee fee to cover the contracted price for the program
27 administered by the provider. In making its selection, the
28 division shall consider factors including, but not limited to,
29 the experience and history of the provider in representing the
30 food service industry, the provider's demonstrated commitment
31

1 to food safety, and its ability to provide a statewide program
2 with industry support and participation.

3 (3) Any food safety training program established and
4 administered to food handler employees utilized at a public
5 food service establishment prior to July 1, 2000, may ~~the~~
6 ~~effective date of this act shall~~ be submitted by the operator
7 to the division for its review and approval. If the food
8 safety training program is found to be in substantial
9 compliance with the division's required criteria and is
10 approved by the division, nothing in this section shall
11 preclude any other operator of a food service establishment
12 from also utilizing the approved program or require the
13 employees of any operator to receive training from or pay a
14 fee to the division's contracted provider. Review and
15 approval by the division of a program or programs under this
16 section shall include, but not be limited to, the minimum food
17 safety standards adopted by the division in accordance with
18 this section.

19 (4) Approval of a program is subject to the provider's
20 continued compliance with the division's minimum program
21 standards. The division may conduct random audits of approved
22 programs to determine compliance and may audit any program if
23 it has reason to believe a program is not in compliance with
24 this section. The division may revoke a program's approval if
25 it finds a program to be in noncompliance with this section or
26 the rules adopted under this section.

27 (5) It shall be the duty of the licensee of the public
28 food service establishment to provide training in accordance
29 with the described rule to all employees under the licensee's
30 supervision or control. The licensee may designate a
31 certified food service manager to perform this function as an

1 agent of the licensee. Food service employees must receive
2 certification pursuant to this section by January 1, 2001.
3 Food service employees hired after November 1, 2000, must
4 receive certification within 60 days after employment.
5 Certification pursuant to this section shall remain valid for
6 3 years.

7 (6) The division may adopt rules pursuant to ss.
8 120.536(1) and 120.54 necessary to administer this section.
9 The rules may require:

10 (a) The use of application forms, which may require,
11 but need not be limited to, the identification of training
12 components of the program and an applicant affidavit attesting
13 to the accuracy of the information provided in the
14 application.

15 (b) Providers to maintain information concerning
16 establishments where they provide training pursuant to this
17 section.

18 (c) Specific food-safety-related-subject-matter
19 training program components.

20 (d) The licensee to be responsible for providing proof
21 of employee training, and the division may request production
22 of such proof upon inspection of the establishment.

23 Section 26. Except as otherwise provided herein, this
24 act shall take effect July 1, 2001.
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