

Amendment No. \_\_\_\_ (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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The Committee on State Administration offered the following:

**Amendment (with title amendment)**

Remove from the bill: Everything after the enacting clause  
and insert in lieu thereof:

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

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

(2)

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

1. If the report is of an abandoned newborn infant as described in s. 383.50 and there is no indication of abuse, neglect, or abandonment ~~of the infant~~ other than that necessarily entailed in the infant having been left at a ~~fire station or~~ hospital, emergency medical services station, or fire station, the department shall provide to the caller the

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

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

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

20           63.0423 Procedures with respect to abandoned  
21 newborns.--

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

30           (4) Within 7 days after accepting physical custody of  
31 the newborn infant, the licensed child-placing agency shall

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

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

31 (c) The court may not terminate parental rights solely

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1 on the basis that the parent left a newborn infant at a  
2 hospital, emergency medical services station, or fire station  
3 in accordance with s. 383.50.

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

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

12 232.465 Provision of medical services; restrictions.--

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

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

24 (b) Gastrostomy tube feeding.

25 (c) Monitoring blood glucose.

26 (d) Administering emergency injectable medication.

27 (3) For all other invasive medical services not listed  
28 in this section ~~subsection (1) or subsection (2)~~, a registered  
29 nurse or advanced registered nurse practitioner licensed under  
30 chapter 464, a ~~licensed practical nurse~~, a physician licensed  
31 pursuant to chapter 458 or chapter 459, or a physician

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1 assistant licensed pursuant to chapter 458 or chapter 459  
2 shall determine if nonmedical school district personnel shall  
3 be allowed to perform such service.

4 Section 4. Subsection (11) is added to section  
5 381.0056, Florida Statutes, to read:

6 381.0056 School health services program.--

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

11 Section 5. Section 381.0059, Florida Statutes, is  
12 amended to read:

13 381.0059 Background screening requirements for school  
14 health services personnel.--

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

25 (2) A person may provide ~~Any person who provides~~  
26 services under a school health services plan pursuant to s.  
27 381.0056 prior to the completion of level 2 screening.  
28 ~~However, shall be on probationary status pending the results~~  
29 ~~of the level 2 screening, such person may not be alone with a~~  
30 minor.

31 ~~(b) In order to conduct level 2 screening, any person~~

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

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

28 ~~(2)(a) When the Department of Health has reasonable~~  
29 ~~cause to believe that grounds exist for the disqualification~~  
30 ~~of any person providing services under a school health~~  
31 ~~services plan pursuant to s. 381.0056, as a result of~~

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

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

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

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

29 (4) Under penalty of perjury, each person who provides  
30 services under a school health plan pursuant to s. 381.0056  
31 must attest to meeting the level 2 screening requirements for

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1 participation under the plan and agree to inform his or her  
2 employer ~~the Department of Health~~ immediately if convicted of  
3 any disqualifying offense while providing services under a  
4 ~~school health services plan pursuant to s. 381.0056.~~

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

10 Section 6. Paragraph (d) of subsection (4) and  
11 subsection (6) of section 381.026, Florida Statutes, are  
12 amended to read:

13 381.026 Florida Patient's Bill of Rights and  
14 Responsibilities.--

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

17 (d) Access to health care.--

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

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

25 (6) SUMMARY OF RIGHTS AND RESPONSIBILITIES.--Any  
26 health care provider who treats a patient in an office or any  
27 health care facility licensed under chapter 395 that provides  
28 emergency services and care or outpatient services and care to  
29 a patient, or admits and treats a patient, shall adopt and  
30 make available to the patient, in writing, a statement of the  
31 rights and responsibilities of patients, including the

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1 following:

2  
3 SUMMARY OF THE FLORIDA PATIENT'S BILL  
4 OF RIGHTS AND RESPONSIBILITIES  
5

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

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

17 A patient has the right to a prompt and reasonable  
18 response to questions and requests.

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

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

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

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

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

31 A patient has the right to be given, upon request, full

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1 information and necessary counseling on the availability of  
2 known financial resources for his or her care.

3 A patient who is eligible for Medicare has the right to  
4 know, upon request and in advance of treatment, whether the  
5 health care provider or health care facility accepts the  
6 Medicare assignment rate.

7 A patient has the right to receive, upon request, prior  
8 to treatment, a reasonable estimate of charges for medical  
9 care.

10 A patient has the right to receive a copy of a  
11 reasonably clear and understandable, itemized bill and, upon  
12 request, to have the charges explained.

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

16 A patient has the right to treatment for any emergency  
17 medical condition that will deteriorate from failure to  
18 provide treatment.

19 A patient has the right to know if medical treatment is  
20 for purposes of experimental research and to give his or her  
21 consent or refusal to participate in such experimental  
22 research.

23 A patient has the right to express grievances regarding  
24 any violation of his or her rights, as stated in Florida law,  
25 through the grievance procedure of the health care provider or  
26 health care facility which served him or her and to the  
27 appropriate state licensing agency.

28 A patient is responsible for providing to the health  
29 care provider, to the best of his or her knowledge, accurate  
30 and complete information about present complaints, past  
31 illnesses, hospitalizations, medications, and other matters

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1 relating to his or her health.

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

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

7 A patient is responsible for following the treatment  
8 plan recommended by the health care provider.

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

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

15 A patient is responsible for assuring that the  
16 financial obligations of his or her health care are fulfilled  
17 as promptly as possible.

18 A patient is responsible for following health care  
19 facility rules and regulations affecting patient care and  
20 conduct.

21 Section 7. Subsections (6) and (10) of section  
22 382.003, Florida Statutes, are amended to read:

23 382.003 Powers and duties of the department.--The  
24 department may:

25 (6) Investigate cases of irregularity or violation of  
26 law, and all local registrars of vital statistics shall aid  
27 the department in such investigations. When necessary, the  
28 department shall report cases of violations of any of the  
29 provisions of this chapter to the state attorney ~~having charge~~  
30 ~~of the prosecution of misdemeanors~~ in the registration  
31 district in which the violation occurs.

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1           (10) Accept, use, and produce all records, reports,  
2 and documents necessary for carrying out the provisions of  
3 this chapter, in paper or electronic form, and adopt,  
4 ~~promulgate,~~and enforce all rules necessary for the  
5 acceptance, use, production ~~creation,~~ issuance, recording,  
6 maintenance, and processing of such ~~vital~~ records, reports,  
7 and documents,and for carrying out the provisions of ss.  
8 382.004-382.0135 and ss. 382.016-382.019.

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

11           382.004 Reproduction and destruction of records.--

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

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

20           Section 9. Paragraph (c) of subsection (2) of section  
21 382.013, Florida Statutes, is amended to read:

22           382.013 Birth registration.--A certificate for each  
23 live birth that occurs in this state shall be filed within 5  
24 days after such birth with the local registrar of the district  
25 in which the birth occurred and shall be registered by the  
26 local registrar if the certificate has been completed and  
27 filed in accordance with this chapter and adopted rules. The  
28 information regarding registered births shall be used for  
29 comparison with information in the state case registry, as  
30 defined in chapter 61.

31           (2) PATERNITY.--

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

19           Section 10. Section 382.016, Florida Statutes, is  
20 amended to read:

21           382.016 Amendment of records.--

22           ~~(1)~~ The department, upon receipt of the fee prescribed  
23 in s. 382.0255; documentary evidence, as specified by rule,  
24 of any misstatement, error, or omission occurring in any  
25 birth, death, or fetal death record; ~~as may be required by~~  
26 ~~department rule,~~ and an affidavit setting forth the changes to  
27 be made, shall amend or replace the original certificate as  
28 necessary. ~~However, except for a misspelling or an omission on~~  
29 ~~a death certificate with regard to the name of the surviving~~  
30 ~~spouse, the department may not change the name of the~~  
31 ~~surviving spouse on the certificate except by order of a court~~

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1 ~~of competent jurisdiction.~~

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

3 (a) Until a child's first birthday, the child's given  
4 name or surname may be amended upon receipt of the fees  
5 prescribed in s. 382.0255 and an affidavit signed by each  
6 parent named on the original birth certificate or by the  
7 registrant's guardian. If both parents are named on the  
8 certificate but both are not willing or available to sign the  
9 affidavit, the registrant's name may only be amended by court  
10 order.

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

29 ~~(4) When a new certificate of birth is prepared~~  
30 ~~pursuant to subsection (3),~~The department shall substitute  
31 the new certificate of birth for the original certificate on

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1 file. All copies of the original certificate of live birth in  
2 the custody of a local registrar or other state custodian of  
3 vital records shall be forwarded to the State Registrar.  
4 Thereafter, when a certified copy of the certificate of birth  
5 or portion thereof is issued, it shall be a copy of the new  
6 certificate of birth or portion thereof, except when a court  
7 order requires issuance of a certified copy of the original  
8 certificate of birth. The department shall place the original  
9 certificate of birth and all papers pertaining thereto under  
10 seal, not to be broken except by order of a court of competent  
11 jurisdiction or as otherwise provided by law.

12 (c)~~(5)~~ If a father's name is listed on the birth  
13 certificate, the birth certificate may only be amended to  
14 remove the father's name or to add a different father's name  
15 upon court order. If a change in the registrant's surname is  
16 also desired, such change must be included in the court order  
17 or the name must be changed pursuant to s. 68.07.

18 (2) CERTIFICATE OF DEATH AMENDMENTS.--Except for a  
19 misspelling or an omission on a death certificate with regard  
20 to the name of the surviving spouse, the department may not  
21 change the name of a surviving spouse on the certificate  
22 except by order of a court of competent jurisdiction.

23 Section 11. Paragraph (h) of subsection (1) of section  
24 382.0255, Florida Statutes, is amended to read:

25 382.0255 Fees.--

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

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

31 Section 12. Paragraph (c) of subsection (3) of section

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1 383.402, Florida Statutes, is amended to read:

2 383.402 Child abuse death review; State Child Abuse  
3 Death Review Committee; local child abuse death review  
4 committees.--

5 (3) The State Child Abuse Death Review Committee  
6 shall:

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

17 Section 13. Paragraph (b) of subsection (1) of section  
18 383.14, Florida Statutes, is amended to read:

19 383.14 Screening for metabolic disorders, other  
20 hereditary and congenital disorders, and environmental risk  
21 factors.--

22 (1) SCREENING REQUIREMENTS.--To help ensure access to  
23 the maternal and child health care system, the Department of  
24 Health shall promote the screening of all infants born in  
25 Florida for phenylketonuria and other metabolic, hereditary,  
26 and congenital disorders known to result in significant  
27 impairment of health or intellect, as screening programs  
28 accepted by current medical practice become available and  
29 practical in the judgment of the department. The department  
30 shall also promote the identification and screening of all  
31 infants born in this state and their families for

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1 environmental risk factors such as low income, poor education,  
2 maternal and family stress, emotional instability, substance  
3 abuse, and other high-risk conditions associated with  
4 increased risk of infant mortality and morbidity to provide  
5 early intervention, remediation, and prevention services,  
6 including, but not limited to, parent support and training  
7 programs, home visitation, and case management.  
8 Identification, perinatal screening, and intervention efforts  
9 shall begin prior to and immediately following the birth of  
10 the child by the attending health care provider. Such efforts  
11 shall be conducted in hospitals, perinatal centers, county  
12 health departments, school health programs that provide  
13 prenatal care, and birthing centers, and reported to the  
14 Office of Vital Statistics.

15 (b) Postnatal screening.--A risk factor analysis using  
16 the department's designated risk assessment instrument shall  
17 also be conducted as part of the medical screening process  
18 upon the birth of a child and submitted to the department's  
19 Office of Vital Statistics for recording and other purposes  
20 provided for in this chapter. The department's screening  
21 process for risk assessment shall include a scoring mechanism  
22 and procedures that establish thresholds for notification,  
23 further assessment, referral, and eligibility for services by  
24 professionals or paraprofessionals consistent with the level  
25 of risk. Procedures for developing and using the screening  
26 instrument, notification, referral, and care coordination  
27 services, reporting requirements, management information, and  
28 maintenance of a computer-driven registry in the Office of  
29 Vital Statistics which ensures privacy safeguards must be  
30 consistent with the provisions and plans established under  
31 chapter 411, Pub. L. No. 99-457, and this chapter. Procedures

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1 established for reporting information and maintaining a  
2 confidential registry must include a mechanism for a  
3 centralized information depository at the state and county  
4 levels. The department shall coordinate with existing risk  
5 assessment systems and information registries. The department  
6 must ensure, to the maximum extent possible, that the  
7 screening information registry is integrated with the  
8 department's automated data systems, including the Florida  
9 On-line Recipient Integrated Data Access (FLORIDA) system.  
10 Tests and screenings must be performed by the State Public  
11 Health Laboratory, in coordination with Children's Medical  
12 Services, at such times and in such manner as is prescribed by  
13 the department after consultation with the Genetics and Infant  
14 Screening Advisory Council and the State Coordinating Council  
15 for School Readiness Programs.

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

18 383.50 Treatment of abandoned newborn infant.--

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

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

31 (a) Provide emergency medical services to the newborn

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1 infant to the extent he or she is trained to provide those  
2 services, and

3 (b) Arrange for the immediate transportation of the  
4 newborn infant to the nearest hospital having ~~with~~ emergency  
5 services.

6  
7 A licensee as defined in s. 401.23, a fire department, or an  
8 employee or agent of a licensee or fire department may treat  
9 and transport a newborn infant pursuant to this section. If a  
10 newborn infant is placed in the physical custody of an  
11 employee or agent of a licensee or fire department, such  
12 placement shall be considered implied consent for treatment  
13 and transport. A licensee, a fire department, or an employee  
14 or agent of a licensee or fire department ~~Any firefighter or~~  
15 ~~emergency medical technician accepting or providing emergency~~  
16 ~~medical services to a newborn infant pursuant to this~~  
17 ~~subsection~~ is immune from criminal or civil liability for  
18 acting in good faith pursuant to this section ~~having performed~~  
19 ~~the act~~. Nothing in this subsection limits liability for  
20 negligence.

21 (5) Except where there is actual or suspected child  
22 abuse or neglect, any parent who leaves a newborn infant with  
23 a firefighter, ~~or~~ emergency medical technician, or paramedic  
24 at a fire station or emergency medical services station, or  
25 brings a newborn infant to an emergency room of a hospital and  
26 expresses an intent to leave the newborn infant and not  
27 return, has the absolute right to remain anonymous and to  
28 leave at any time and may not be pursued or followed unless  
29 the parent seeks to reclaim the newborn infant.

30 (6) A parent of a newborn infant left at a hospital,  
31 emergency medical services station, or a fire station under

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1 this section may claim his or her newborn infant up until the  
2 court enters a judgment terminating his or her parental  
3 rights. A claim to ~~of parental rights of~~ the newborn infant  
4 must be made to the entity having physical or legal custody of  
5 the newborn infant or to the circuit court before whom  
6 proceedings involving the newborn infant are pending.

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

13 Section 15. Section 391.037, Florida Statutes, is  
14 created to read:

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

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

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

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

5           Section 16. 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.

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

Section 17. Subsections (4) and (5) of section 401.27, Florida Statutes, are amended to read:

401.27 Personnel; standards and certification.--

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

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

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

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

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

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

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

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

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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 as defined by  
7 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

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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 18. Subsection (2) of section 404.056, Florida  
6 Statutes, is repealed, and present subsections (5) and (7) of  
7 said 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

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

13 742.10 Establishment of paternity for children born  
14 out of wedlock.--

15 (1) This chapter provides the primary jurisdiction and  
16 procedures for the determination of paternity for children  
17 born out of wedlock. When the establishment of paternity has  
18 been raised and determined within an adjudicatory hearing  
19 brought under the statutes governing inheritance, or  
20 dependency under workers' compensation or similar compensation  
21 programs, or when an affidavit acknowledging paternity or a  
22 stipulation of paternity is executed by both parties and filed  
23 with the clerk of the court, or when an a-consenting affidavit  
24 or notarized voluntary acknowledgement of paternity as  
25 provided for in s. 382.013 or s. 382.016 is executed by both  
26 parties, it shall constitute the establishment of paternity  
27 for purposes of this chapter. If no adjudicatory proceeding  
28 was held, a notarized voluntary acknowledgment of paternity  
29 shall create a rebuttable presumption, as defined by s.  
30 90.304, of paternity and is subject to the right of any  
31 signatory to rescind the acknowledgment within 60 days of the

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

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

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

22 743.0645 Other persons who may consent to medical care  
23 or treatment of a minor.--

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

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

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1 informed consent as provided by law is required.

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

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

18  
19 There shall be maintained in the treatment provider's records  
20 of the minor documentation that a reasonable attempt was made  
21 to contact the person who has the power to consent.

22 Section 21. Section 827.035, Florida Statutes, is  
23 amended to read:

24 827.035 Newborn infants.--It shall not constitute  
25 neglect of a child pursuant to s. 827.03 or contributing to  
26 the dependency of a child pursuant to s. 827.04, if a parent  
27 leaves a newborn infant, ~~as defined in s. 383.50,~~ at a  
28 hospital, emergency medical services station, or fire station  
29 or brings a newborn infant to an emergency room and expresses  
30 an intent to leave the infant and not return, in compliance  
31 with s. 383.50.

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

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3

4 ===== T I T L E A M E N D M E N T =====

5 And the title is amended as follows:

6 On page 1, line 1,

7 remove from the title of the bill: the entire title

8

9 and insert in lieu thereof:

10

A bill to be entitled

11

An act relating to public health; amending ss.

12

39.201, 63.0423, 383.50, and 827.035, F.S.;

13

expanding the type of personnel and facilities

14

that may accept abandoned newborns; providing

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implied consent for treatment and transport and

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certain immunity from liability; amending s.

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232.465, F.S.; expanding the type of personnel

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that may supervise nonmedical school district

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personnel; providing technical corrections;

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amending s. 381.0056, F.S.; providing

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requirements for school health programs funded

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by health care districts or certain health care

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entities; amending s. 381.0059, F.S.; revising

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background screening requirements for school

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health service personnel; amending s. 381.026,

26

F.S., relating to the Florida Patient's Bill of

27

Rights and Responsibilities; replacing

28

references to the term "physical handicap" with

29

the term "handicap"; amending ss. 382.003,

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382.004, 382.013, 382.016, and 382.0255, F.S.;

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modifying provisions relating to vital records;

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1 amending s. 383.14, F.S.; requiring postnatal  
2 tests and screenings for infant metabolic  
3 disorders to be performed by the State Public  
4 Health Laboratory; amending s. 383.402, F.S.;  
5 modifying the annual report date for child  
6 abuse death reviews; creating s. 391.037, F.S.;  
7 providing that the furnishing of medical  
8 services by state employees under specified  
9 conditions does not constitute a conflict of  
10 interest; amending s. 401.113, F.S.; providing  
11 for use of funds in the Emergency Medical  
12 Services Trust Fund for injury prevention  
13 programs; amending s. 401.27, F.S.; authorizing  
14 the Department of Health to define by rule the  
15 equivalent of cardiopulmonary resuscitation  
16 courses for emergency medical technicians and  
17 paramedics; exempting emergency medical  
18 services examination questions and answers from  
19 discovery; providing conditions for  
20 introduction in administrative proceedings;  
21 requiring the department to establish rules;  
22 repealing s. 404.056(2), F.S., relating to the  
23 Florida Coordinating Council on Radon  
24 Protection; amending s. 404.056, F.S.; deleting  
25 an obsolete environmental radiation  
26 soil-testing requirement; clarifying rulemaking  
27 authority; amending s. 742.10, F.S.; requiring  
28 a voluntary acknowledgement of paternity for a  
29 child born out of wedlock to be notarized;  
30 amending s. 743.0645, F.S., relating to consent  
31 to medical care or treatment of a minor;

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providing that a power of attorney to provide  
such consent includes the power to consent to  
surgical and general anesthesia services;  
providing an effective date.