

By the Council for Healthy Communities and Representatives
Hogan and Alexander

1 A bill to be entitled
2 An act relating to public health; amending ss.
3 39.201, 63.0423, 383.50, and 827.035, F.S.;
4 expanding the type of personnel and facilities
5 that may accept abandoned newborns; providing
6 implied consent for treatment and transport and
7 certain immunity from liability; amending s.
8 154.02, F.S.; specifying purposes for which
9 reserve amounts must be maintained in the
10 County Health Department Trust Fund; amending
11 s. 232.465, F.S.; expanding the type of
12 personnel that may supervise nonmedical school
13 district personnel; providing technical
14 corrections; amending s. 381.0056, F.S.;
15 providing requirements for school health
16 programs funded by health care districts or
17 certain health care entities; amending s.
18 381.0059, F.S.; revising background screening
19 requirements for school health service
20 personnel; amending s. 381.026, F.S., relating
21 to the Florida Patient's Bill of Rights and
22 Responsibilities; replacing references to the
23 term "physical handicap" with the term
24 "handicap"; amending ss. 382.003, 382.004,
25 382.013, 382.016, and 382.0255, F.S.; modifying
26 provisions relating to vital records; amending
27 s. 383.14, F.S.; requiring postnatal tests and
28 screenings for infant metabolic disorders to be
29 performed by the State Public Health
30 Laboratory; amending s. 383.402, F.S.;
31 modifying the annual report date for child

1 abuse death reviews; creating s. 391.037, F.S.;
2 providing that the furnishing of medical
3 services by state employees under specified
4 conditions does not constitute a conflict of
5 interest; amending s. 401.113, F.S.; providing
6 for use of funds in the Emergency Medical
7 Services Trust Fund for injury prevention
8 programs; amending s. 401.27, F.S.; authorizing
9 the Department of Health to define by rule the
10 equivalent of cardiopulmonary resuscitation
11 courses for emergency medical technicians and
12 paramedics; exempting emergency medical
13 services examination questions and answers from
14 discovery; providing conditions for
15 introduction in administrative proceedings;
16 requiring the department to establish rules;
17 repealing s. 404.056(2), F.S., relating to the
18 Florida Coordinating Council on Radon
19 Protection; amending s. 404.056, F.S.; deleting
20 an obsolete environmental radiation
21 soil-testing requirement; clarifying rulemaking
22 authority; amending s. 499.012, F.S.; modifying
23 provisions relating to a retail pharmacy
24 wholesaler's permit to authorize transfer of
25 certain prescription drugs between the
26 permittee and a Modified Class II institutional
27 pharmacy; amending s. 509.049, F.S.; revising
28 provisions related to food service employee
29 training programs; providing for audits and
30 revocation of training program approval;
31 providing rulemaking authority; amending s.

1 742.10, F.S.; requiring a voluntary
2 acknowledgment of paternity for a child born
3 out of wedlock to be notarized; amending s.
4 743.0645, F.S., relating to consent to medical
5 care or treatment of a minor; providing that a
6 power of attorney to provide such consent
7 includes the power to consent to surgical and
8 general anesthesia services; repealing s. 71(1)
9 of ch. 98-171, Laws of Florida; abrogating the
10 repeal of provisions of law which require
11 background screening of certain applicants for
12 licensure, certification, or registration;
13 providing effective dates.

14
15 Be It Enacted by the Legislature of the State of Florida:

16
17 Section 1. Paragraph (f) of subsection (2) of section
18 39.201, Florida Statutes, is amended to read:

19 39.201 Mandatory reports of child abuse, abandonment,
20 or neglect; mandatory reports of death; central abuse
21 hotline.--

22 (2)

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

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

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

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

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

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

11 Section 3. Subsection (5) is added to section 154.02,
12 Florida Statutes, to read:

13 154.02 County Health Department Trust Fund.--

14 (5) At a minimum, the trust fund shall consist of:

15 (a) An operating reserve, consisting of 8.5 percent of
16 the annual operating budget, maintained to ensure adequate
17 cash flow from nonstate revenue sources.

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

26 (c) A fixed capital outlay reserve for nonrecurring
27 expenses that are needed for the renovation and expansion of
28 facilities, and for the construction of new and replacement
29 facilities identified by the Department of Health in
30 conjunction with the board of county commissioners in their
31 annual state-county contract and approved by the secretary of

1 the department. These funds may not be used for construction
2 projects unless there is a specific appropriation included in
3 the General Appropriations Act for this purpose.

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

6 232.465 Provision of medical services; restrictions.--

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

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

18 (b) Gastrostomy tube feeding.

19 (c) Monitoring blood glucose.

20 (d) Administering emergency injectable medication.

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

29 Section 5. Subsection (11) is added to section
30 381.0056, Florida Statutes, to read:

31 381.0056 School health services program.--

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

5 Section 6. Section 381.0059, Florida Statutes, is
6 amended to read:

7 381.0059 Background screening requirements for school
8 health services personnel.--

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

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

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

1 ~~by an authorized law enforcement officer and must provide~~
2 ~~sufficient information for a statewide criminal records~~
3 ~~correspondence check through the Florida Department of Law~~
4 ~~Enforcement. The Department of Health shall submit the~~
5 ~~fingerprints to the Florida Department of Law Enforcement for~~
6 ~~a statewide criminal history check, and the Florida Department~~
7 ~~of Law Enforcement shall forward the fingerprints to the~~
8 ~~Federal Bureau of Investigation for a national criminal~~
9 ~~history check.~~

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

22 ~~(2)(a) When the Department of Health has reasonable~~
23 ~~cause to believe that grounds exist for the disqualification~~
24 ~~of any person providing services under a school health~~
25 ~~services plan pursuant to s. 381.0056, as a result of~~
26 ~~background screening, it shall notify the person in writing,~~
27 ~~stating the specific record that indicates noncompliance with~~
28 ~~the level 2 screening standards. The Department of Health must~~
29 ~~disqualify any person from providing services under a school~~
30 ~~health services plan pursuant to s. 381.0056 if the department~~
31 ~~finds that the person is not in compliance with the level 2~~

1 ~~screening standards. A person who provides services under a~~
2 ~~school health plan pursuant to s. 381.0056 on a probationary~~
3 ~~status and who is disqualified because of the results of his~~
4 ~~or her background screening may contest that disqualification.~~

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

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

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

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

30 (5) As used in this section, the term "person who
31 provides services under a school health services plan"

1 includes unpaid volunteers, except for ~~does not include~~ an
2 unpaid volunteer who lectures students in group settings on
3 health education topics.

4 Section 7. Paragraph (d) of subsection (4) and
5 subsection (6) of section 381.026, Florida Statutes, are
6 amended to read:

7 381.026 Florida Patient's Bill of Rights and
8 Responsibilities.--

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

11 (d) Access to health care.--

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

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

19 (6) SUMMARY OF RIGHTS AND RESPONSIBILITIES.--Any
20 health care provider who treats a patient in an office or any
21 health care facility licensed under chapter 395 that provides
22 emergency services and care or outpatient services and care to
23 a patient, or admits and treats a patient, shall adopt and
24 make available to the patient, in writing, a statement of the
25 rights and responsibilities of patients, including the
26 following:

27
28 SUMMARY OF THE FLORIDA PATIENT'S BILL
29 OF RIGHTS AND RESPONSIBILITIES
30
31

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

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

12 A patient has the right to a prompt and reasonable
13 response to questions and requests.

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

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

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

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

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

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

29 A patient who is eligible for Medicare has the right to
30 know, upon request and in advance of treatment, whether the
31

1 health care provider or health care facility accepts the
2 Medicare assignment rate.

3 A patient has the right to receive, upon request, prior
4 to treatment, a reasonable estimate of charges for medical
5 care.

6 A patient has the right to receive a copy of a
7 reasonably clear and understandable, itemized bill and, upon
8 request, to have the charges explained.

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

12 A patient has the right to treatment for any emergency
13 medical condition that will deteriorate from failure to
14 provide treatment.

15 A patient has the right to know if medical treatment is
16 for purposes of experimental research and to give his or her
17 consent or refusal to participate in such experimental
18 research.

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

24 A patient is responsible for providing to the health
25 care provider, to the best of his or her knowledge, accurate
26 and complete information about present complaints, past
27 illnesses, hospitalizations, medications, and other matters
28 relating to his or her health.

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

31

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

4 A patient is responsible for following the treatment
5 plan recommended by the health care provider.

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

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

12 A patient is responsible for assuring that the
13 financial obligations of his or her health care are fulfilled
14 as promptly as possible.

15 A patient is responsible for following health care
16 facility rules and regulations affecting patient care and
17 conduct.

18 Section 8. Subsections (6) and (10) of section
19 382.003, Florida Statutes, are amended to read:

20 382.003 Powers and duties of the department.--The
21 department may:

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

29 (10) Accept, use, and produce all records, reports,
30 and documents necessary for carrying out the provisions of
31 this chapter, in paper or electronic form, and adopt

1 ~~promulgate,~~and enforce all rules necessary for the
2 acceptance, use, production ~~creation,~~ issuance, recording,
3 maintenance, and processing of such vital records, reports,
4 and documents,and for carrying out the provisions of ss.
5 382.004-382.0135 and ss. 382.016-382.019.

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

8 382.004 Reproduction and destruction of records.--

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

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

17 Section 10. Paragraph (c) of subsection (2) of section
18 382.013, Florida Statutes, is amended to read:

19 382.013 Birth registration.--A certificate for each
20 live birth that occurs in this state shall be filed within 5
21 days after such birth with the local registrar of the district
22 in which the birth occurred and shall be registered by the
23 local registrar if the certificate has been completed and
24 filed in accordance with this chapter and adopted rules. The
25 information regarding registered births shall be used for
26 comparison with information in the state case registry, as
27 defined in chapter 61.

28 (2) PATERNITY.--

29 (c) If the mother is not married at the time of the
30 birth, the name of the father may not be entered on the birth
31 certificate without the execution of an ~~a consenting~~ affidavit

1 signed by both the mother and the person to be named as the
2 father. The facility shall give ~~After giving~~ notice orally or
3 through the use of video or audio equipment, and in writing,
4 of the alternatives to, the legal consequences of, and the
5 rights, including, if one parent is a minor, any rights
6 afforded due to minority status, and responsibilities that
7 arise from signing an acknowledgment of paternity, ~~the~~
8 ~~facility shall provide the mother and the person to be named~~
9 ~~as the father with the affidavit,~~ as well as information
10 provided by the Title IV-D agency established pursuant to s.
11 409.2557, regarding the benefits of voluntary establishment of
12 paternity. Upon request of the mother and the person to be
13 named as the father, the facility shall assist in the
14 execution of the affidavit or a notarized voluntary
15 acknowledgment of paternity.

16 Section 11. Section 382.016, Florida Statutes, is
17 amended to read:

18 382.016 Amendment of records.--

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

30 (1)(2) CERTIFICATE OF LIVE BIRTH AMENDMENT.--
31

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

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

27 ~~(4) When a new certificate of birth is prepared~~
28 ~~pursuant to subsection (3),~~The department shall substitute
29 the new certificate of birth for the original certificate on
30 file. All copies of the original certificate of live birth in
31 the custody of a local registrar or other state custodian of

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

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

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

21 Section 12. Paragraph (h) of subsection (1) of section
22 382.0255, Florida Statutes, is amended to read:

23 382.0255 Fees.--

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

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

29 Section 13. Paragraph (c) of subsection (3) of section
30 383.402, Florida Statutes, is amended to read:

31

1 383.402 Child abuse death review; State Child Abuse
2 Death Review Committee; local child abuse death review
3 committees.--

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

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

16 Section 14. Paragraph (b) of subsection (1) of section
17 383.14, Florida Statutes, is amended to read:

18 383.14 Screening for metabolic disorders, other
19 hereditary and congenital disorders, and environmental risk
20 factors.--

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

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

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

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

15 Section 15. Subsections (1), (3), (5), (6), and (9) of
16 section 383.50, Florida Statutes, are amended to read:

17 383.50 Treatment of abandoned newborn infant.--

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

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

30
31

1 (a) Provide emergency medical services to the newborn
2 infant to the extent he or she is trained to provide those
3 services, and

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

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

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

31

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

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

15 Section 16. Section 391.037, Florida Statutes, is
16 created to read:

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

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

29 (2) The physician's private-sector employment or
30 contractual relationship does not create a conflict between
31 the physician's private-sector interests and public duties or

1 impede the full and faithful discharge of the physician's
2 public duties as an employee of the department.

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

7 Section 17. Paragraph (b) of subsection (2) of section
8 401.113, Florida Statutes, is amended to read:

9 401.113 Department; powers and duties.--

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

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

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

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

1 cash sum equal to no more than 10 percent of the total
2 department-approved grant amount.

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

9 Section 18. Subsections (4) and (5) of section 401.27,
10 Florida Statutes, are amended to read:

11 401.27 Personnel; standards and certification.--

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

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

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

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

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

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

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

1 (e)1. For an emergency medical technician, hold either
2 a current American Heart Association cardiopulmonary
3 resuscitation course card or an American Red Cross
4 cardiopulmonary resuscitation course card or its equivalent as
5 defined by department rule;

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

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

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

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

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

7 Section 19. Subsection (2) of section 404.056, Florida
8 Statutes, is repealed, and present subsections (5) and (7) of
9 said section are renumbered as subsections (4) and (6),
10 respectively, and amended to read:

11 404.056 Environmental radiation standards and
12 programs; radon protection.--

13 (4)~~(5)~~ MANDATORY TESTING.--All public and private
14 school buildings or school sites housing students in
15 kindergarten through grade 12; all state-owned,
16 state-operated, state-regulated, or state-licensed 24-hour
17 care facilities; and all state-licensed day care centers for
18 children or minors which are located in counties designated
19 within the Department of Community Affairs' Florida Radon
20 Protection Map Categories as "Intermediate" or "Elevated Radon
21 Potential" shall be measured to determine the level of indoor
22 radon, using measurement procedures established by the
23 department. Testing shall be completed within the first year
24 of construction in 20 percent of the habitable first floor
25 spaces within any of the regulated buildings. Initial
26 measurements shall be completed and reported to the department
27 by July 1 of the year the building is opened for occupancy.
28 Followup testing must be completed in 5 percent of the
29 habitable first floor spaces within any of the regulated
30 buildings after the building has been occupied for 5 years,
31 and results must be reported to the department by July 1 of

1 the 5th year of occupancy. After radon measurements have been
2 made twice, regulated buildings need not undergo further
3 testing unless significant structural changes occur. ~~Where~~
4 ~~fill soil is required for the construction of a regulated~~
5 ~~building, initial testing of fill soil must be performed using~~
6 ~~measurement procedures established by the department, and the~~
7 ~~results must be reported to the department prior to~~
8 ~~construction.~~No funds collected pursuant to s. 553.721 shall
9 be used to carry out the provisions of this subsection.

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

13 Section 20. Paragraph (d) of subsection (2) of section
14 499.012, Florida Statutes, is amended to read:

15 499.012 Wholesale distribution; definitions; permits;
16 general requirements.--

17 (2) The following types of wholesaler permits are
18 established:

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

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

26 2. The wholesale distribution activity does not exceed
27 30 percent of the total annual purchases of prescription
28 drugs. If the wholesale distribution activity exceeds the
29 30-percent maximum, the pharmacy must obtain a prescription
30 drug wholesaler's permit.

31

1 3. The transfer of prescription drugs that appear in
2 any schedule contained in chapter 893 is subject to chapter
3 893 and the federal Comprehensive Drug Abuse Prevention and
4 Control Act of 1970.

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

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

14 Section 21. Section 509.049, Florida Statutes, is
15 amended to read:

16 509.049 Food service employee training.--

17 (1) The division shall adopt, by rule, minimum food
18 safety protection standards for the training of all food
19 service employees who are responsible for the storage,
20 preparation, display, or serving of foods to the public in
21 establishments regulated under this chapter. These standards
22 shall not include an examination, but shall provide for a food
23 safety training certificate program for food service employees
24 to be administered by a private nonprofit provider chosen by
25 the division.

26 (2) The division shall issue a request for competitive
27 sealed proposals which includes a statement of the contractual
28 services sought and all terms and conditions applicable to the
29 contract. The division shall award the contract to the
30 provider whose proposal is determined in writing to be the
31 most advantageous to the state, taking into consideration the

1 price and the other criteria set forth in the request for
2 proposals. The division shall contract with a provider on a
3 4-year basis and is authorized to promulgate by rule a per
4 employee fee to cover the contracted price for the program
5 administered by the provider. In making its selection, the
6 division shall consider factors including, but not limited to,
7 the experience and history of the provider in representing the
8 food service industry, the provider's demonstrated commitment
9 to food safety, and its ability to provide a statewide program
10 with industry support and participation.

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

27 (4) Approval of a program is subject to the provider's
28 continued compliance with the division's minimum program
29 standards. The division may conduct random audits of approved
30 programs to determine compliance and may audit any program if
31 it has reason to believe a program is not in compliance with

1 this section. The division may revoke a program's approval if
2 it finds a program is not in compliance with this section or
3 the rules adopted under this section.

4 (5) It shall be the duty of the licensee of the public
5 food service establishment to provide training in accordance
6 with the described rule to all employees under the licensee's
7 supervision or control. The licensee may designate a
8 certified food service manager to perform this function as an
9 agent of the licensee. ~~Food service employees must receive~~
10 ~~certification pursuant to this section by January 1, 2001.~~
11 Food service employees hired after November 1, 2000, must
12 receive certification within 60 days after employment.
13 Certification pursuant to this section shall remain valid for
14 3 years.

15 (6) The division may adopt rules pursuant to ss.
16 120.536(1) and 120.54 necessary to administer this section.
17 The rules may require:

18 (a) The use of application forms, which may require,
19 but need not be limited to, the identification of training
20 components of the program and an applicant affidavit attesting
21 to the accuracy of the information provided in the
22 application;

23 (b) Providers to maintain information concerning
24 establishments where they provide training pursuant to this
25 section;

26 (c) Specific subject matter related to food safety for
27 use in training program components; and

28 (d) The licensee to be responsible for providing proof
29 of employee training, and the division may request production
30 of such proof upon inspection of the establishment.
31

1 Section 22. Subsections (1) and (3) of section 742.10,
2 Florida Statutes, are amended to read:

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

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

1 (3) The department shall adopt rules which establish
2 the information which must be provided to an individual prior
3 to execution of an ~~a consenting~~ affidavit or voluntary
4 acknowledgment of paternity. The information shall explain the
5 alternatives to, the legal consequences of, and the rights,
6 including, if one parent is a minor, any rights afforded due
7 to minority status, and responsibilities that arise from
8 acknowledging paternity.

9 Section 23. Paragraph (b) of subsection (1) and
10 paragraph (a) of subsection (2) of section 743.0645, Florida
11 Statutes, are amended to read:

12 743.0645 Other persons who may consent to medical care
13 or treatment of a minor.--

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

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

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

1 (a) A person who possesses a power of attorney to
2 provide medical consent for the minor. A power of attorney
3 executed after July 1, 2001, to provide medical consent for a
4 minor includes the power to consent to medically necessary
5 surgical and general anesthesia services for the minor unless
6 such services are excluded by the individual executing the
7 power of attorney.

8
9 There shall be maintained in the treatment provider's records
10 of the minor documentation that a reasonable attempt was made
11 to contact the person who has the power to consent.

12 Section 24. Section 827.035, Florida Statutes, is
13 amended to read:

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

22 Section 25. Effective June 1, 2001, subsection (1) of
23 section 71 of chapter 98-171, Laws of Florida, is repealed.

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