

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; amending s.  
9 212.055, F.S.; revising provisions relating to  
10 the county public hospital surtax; revising  
11 procedures and requirements for adoption and  
12 implementation of the health care plan for  
13 indigent health care services; amending s. 11  
14 of ch. 2000-312, Laws of Florida; postponing  
15 future review and repeal of said provisions;  
16 repealing s. 71(1) of ch. 98-171, Laws of  
17 Florida; abrogating the repeal of provisions of  
18 law which require background screening of  
19 certain applicants for licensure,  
20 certification, or registration; providing  
21 effective dates.

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

24  
25 Section 1. Paragraph (f) of subsection (2) of section  
26 39.201, Florida Statutes, is amended to read:

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

30 (2)

31

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

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

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

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

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

31

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

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

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

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

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

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

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

22 154.02 County Health Department Trust Fund.--

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

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

27 (b) An emergency reserve of \$500,000, derived from an  
28 annual assessment on county health department funds based upon  
29 their proportionate share of state general revenue, maintained  
30 for county health departments to respond to public health  
31 emergencies such as epidemics and natural disasters. The

1 emergency reserve shall be increased each July 1 by the  
2 increase in the consumer price index that occurred during the  
3 previous 12 months.

4 (c) A fixed capital outlay reserve for nonrecurring  
5 expenses that are needed for the renovation and expansion of  
6 facilities, and for the construction of new and replacement  
7 facilities identified by the Department of Health in  
8 conjunction with the board of county commissioners in their  
9 annual state-county contract and approved by the secretary of  
10 the department. These funds may not be used for construction  
11 projects unless there is a specific appropriation included in  
12 the General Appropriations Act for this purpose.

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

15 232.465 Provision of medical services; restrictions.--

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

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

27 (b) Gastrostomy tube feeding.

28 (c) Monitoring blood glucose.

29 (d) Administering emergency injectable medication.

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

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

7 Section 5. Subsection (11) is added to section  
8 381.0056, Florida Statutes, to read:

9 381.0056 School health services program.--

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

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

16 381.0059 Background screening requirements for school  
17 health services personnel.--

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

28 (2) A person may provide ~~Any person who provides~~  
29 services under a school health services plan pursuant to s.  
30 381.0056 prior to the completion of level 2 screening.  
31 ~~However, shall be on probationary status pending the results~~



1 of the ~~level 2~~ screening, such person may not be alone with a  
2 minor.

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

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

31

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

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

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

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

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

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

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

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

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

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

22 (d) Access to health care.--

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

27 Section 8. Subsections (6) and (10) of section  
28 382.003, Florida Statutes, are amended to read:

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

31

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

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

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

18           382.004 Reproduction and destruction of records.--

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

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

27           Section 10. Paragraph (c) of subsection (2) of section  
28 382.013, Florida Statutes, is amended to read:

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

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

7 (2) PATERNITY.--

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

26 Section 11. Section 382.016, Florida Statutes, is  
 27 amended to read:

28 382.016 Amendment of records.--

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



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

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

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

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

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

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

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

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

30 Section 12. Paragraph (h) of subsection (1) of section  
31 382.0255, Florida Statutes, is amended to read:

1           382.0255 Fees.--

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

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

7           Section 13. Paragraph (c) of subsection (3) of section  
8 383.402, Florida Statutes, is amended to read:

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

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

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

24           Section 14. Paragraph (b) of subsection (1) of section  
25 383.14, Florida Statutes, is amended to read:

26           383.14 Screening for metabolic disorders, other  
27 hereditary and congenital disorders, and environmental risk  
28 factors.--

29           (1) SCREENING REQUIREMENTS.--To help ensure access to  
30 the maternal and child health care system, the Department of  
31 Health shall promote the screening of all infants born in

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

22 (b) Postnatal screening.--A risk factor analysis using  
23 the department's designated risk assessment instrument shall  
24 also be conducted as part of the medical screening process  
25 upon the birth of a child and submitted to the department's  
26 Office of Vital Statistics for recording and other purposes  
27 provided for in this chapter. The department's screening  
28 process for risk assessment shall include a scoring mechanism  
29 and procedures that establish thresholds for notification,  
30 further assessment, referral, and eligibility for services by  
31 professionals or paraprofessionals consistent with the level

1 of risk. Procedures for developing and using the screening  
2 instrument, notification, referral, and care coordination  
3 services, reporting requirements, management information, and  
4 maintenance of a computer-driven registry in the Office of  
5 Vital Statistics which ensures privacy safeguards must be  
6 consistent with the provisions and plans established under  
7 chapter 411, Pub. L. No. 99-457, and this chapter. Procedures  
8 established for reporting information and maintaining a  
9 confidential registry must include a mechanism for a  
10 centralized information depository at the state and county  
11 levels. The department shall coordinate with existing risk  
12 assessment systems and information registries. The department  
13 must ensure, to the maximum extent possible, that the  
14 screening information registry is integrated with the  
15 department's automated data systems, including the Florida  
16 On-line Recipient Integrated Data Access (FLORIDA) system.  
17 Tests and screenings must be performed by the State Public  
18 Health Laboratory, in coordination with Children's Medical  
19 Services, at such times and in such manner as is prescribed by  
20 the department after consultation with the Genetics and Infant  
21 Screening Advisory Council and the State Coordinating Council  
22 for School Readiness Programs.

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

25 383.50 Treatment of abandoned newborn infant.--

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

31

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

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

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

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

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

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

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

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

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

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

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

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

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

14           Section 17. Paragraph (b) of subsection (2) of section  
15 401.113, Florida Statutes, is amended to read:

16           401.113 Department; powers and duties.--

17           (2) The department shall annually dispense funds  
18 contained in the Emergency Medical Services Trust Fund as  
19 follows:

20           (b) Forty percent of such moneys must be used by the  
21 department for making matching grants to local agencies,  
22 municipalities, and emergency medical services organizations  
23 for the purpose of conducting research, increasing existing  
24 levels of emergency medical services, evaluation, community  
25 education, injury prevention programs,and training in  
26 cardiopulmonary resuscitation and other lifesaving and first  
27 aid techniques.

28           1. At least 90 percent of these moneys must be made  
29 available on a cash matching basis. A grant made under this  
30 subparagraph must be contingent upon the recipient providing a  
31



1 cash sum equal to 25 percent of the total department-approved  
2 grant amount.

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

11  
12 The department shall develop procedures and standards for  
13 grant disbursement under this paragraph based on the need for  
14 emergency medical services, the requirements of the population  
15 to be served, and the objectives of the state emergency  
16 medical services plan.

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

19           401.27 Personnel; standards and certification.--

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

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

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

29           2. For a paramedic, a paramedic training program  
30 equivalent to the most recent paramedic course of the United  
31

1 States Department of Transportation as approved by the  
2 department;

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

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

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

10 (e)1. For an emergency medical technician, hold either  
11 a current American Heart Association cardiopulmonary  
12 resuscitation course card or an American Red Cross  
13 cardiopulmonary resuscitation course card or its equivalent as  
14 defined by department rule;

15 2. For a paramedic, hold a certificate of successful  
16 course completion in advanced cardiac life support from the  
17 American Heart Association or its equivalent as defined by  
18 department rule;

19 (f) Submit the certification fee and the nonrefundable  
20 examination fee prescribed in s. 401.34, which examination fee  
21 will be required for each examination administered to an  
22 applicant; and

23 (g) Submit a completed application to the department,  
24 which application documents compliance with paragraphs (a),  
25 (b), (c), (e), (f), (g), and, if applicable, (d). The  
26 application must be submitted so as to be received by the  
27 department at least 30 calendar days before the next regularly  
28 scheduled examination for which the applicant desires to be  
29 scheduled.

30 (5) The certification examination must be offered  
31 monthly. The department shall issue an examination admission

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

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

20 404.056 Environmental radiation standards and  
21 programs; radon protection.--

22 (4)(5) MANDATORY TESTING.--All public and private  
23 school buildings or school sites housing students in  
24 kindergarten through grade 12; all state-owned,  
25 state-operated, state-regulated, or state-licensed 24-hour  
26 care facilities; and all state-licensed day care centers for  
27 children or minors which are located in counties designated  
28 within the Department of Community Affairs' Florida Radon  
29 Protection Map Categories as "Intermediate" or "Elevated Radon  
30 Potential" shall be measured to determine the level of indoor  
31 radon, using measurement procedures established by the

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

19 (6)(7) RULES.--The department shall have the authority  
20 to promulgate rules necessary to carry out the provisions of  
21 this section, including the definition of terms.

22 Section 20. Paragraph (d) of subsection (2) of section  
23 499.012, Florida Statutes, is amended to read:

24 499.012 Wholesale distribution; definitions; permits;  
25 general requirements.--

26 (2) The following types of wholesaler permits are  
27 established:

28 (d) A retail pharmacy wholesaler's permit. A retail  
29 pharmacy wholesaler is a retail pharmacy engaged in wholesale  
30 distribution of prescription drugs within this state under the  
31 following conditions:

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

4           2. The wholesale distribution activity does not exceed  
5 30 percent of the total annual purchases of prescription  
6 drugs. If the wholesale distribution activity exceeds the  
7 30-percent maximum, the pharmacy must obtain a prescription  
8 drug wholesaler's permit.

9           3. The transfer of prescription drugs that appear in  
10 any schedule contained in chapter 893 is subject to chapter  
11 893 and the federal Comprehensive Drug Abuse Prevention and  
12 Control Act of 1970.

13           4. The transfer is between a retail pharmacy and  
14 another retail pharmacy, or a Modified Class II institutional  
15 pharmacy, or a health care practitioner licensed in this state  
16 and authorized by law to dispense or prescribe prescription  
17 drugs.

18           5. All records of sales of prescription drugs subject  
19 to this section must be maintained separate and distinct from  
20 other records and comply with the recordkeeping requirements  
21 of ss. 499.001-499.081.

22           Section 21. Section 509.049, Florida Statutes, is  
23 amended to read:

24           509.049 Food service employee training.--

25           (1) The division shall adopt, by rule, minimum food  
26 safety protection standards for the training of all food  
27 service employees who are responsible for the storage,  
28 preparation, display, or serving of foods to the public in  
29 establishments regulated under this chapter. These standards  
30 shall not include an examination, but shall provide for a food  
31 safety training certificate program for food service employees

1 to be administered by a private nonprofit provider chosen by  
2 the division.

3       (2) The division shall issue a request for competitive  
4 sealed proposals which includes a statement of the contractual  
5 services sought and all terms and conditions applicable to the  
6 contract. The division shall award the contract to the  
7 provider whose proposal is determined in writing to be the  
8 most advantageous to the state, taking into consideration the  
9 price and the other criteria set forth in the request for  
10 proposals. The division shall contract with a provider on a  
11 4-year basis and is authorized to promulgate by rule a per  
12 employee fee to cover the contracted price for the program  
13 administered by the provider. In making its selection, the  
14 division shall consider factors including, but not limited to,  
15 the experience and history of the provider in representing the  
16 food service industry, the provider's demonstrated commitment  
17 to food safety, and its ability to provide a statewide program  
18 with industry support and participation.

19       (3) Any food safety training program established and  
20 administered to food handler employees utilized at a public  
21 food service establishment prior to July 1, 2000, may ~~the~~  
22 ~~effective date of this act shall~~ be submitted by the operator  
23 or the provider to the division for its review and approval.  
24 If the food safety training program is found to be in  
25 substantial compliance with the division's required criteria  
26 and is approved by the division, nothing in this section shall  
27 preclude any other operator of a food service establishment  
28 from also utilizing the approved program or require the  
29 employees of any operator to receive training from or pay a  
30 fee to the division's contracted provider. Review and  
31 approval by the division of a program or programs under this

1 section shall include, but not be limited to, the minimum food  
2 safety standards adopted by the division in accordance with  
3 this section.

4 (4) Approval of a program is subject to the provider's  
5 continued compliance with the division's minimum program  
6 standards. The division may conduct random audits of approved  
7 programs to determine compliance and may audit any program if  
8 it has reason to believe a program is not in compliance with  
9 this section. The division may revoke a program's approval if  
10 it finds a program is not in compliance with this section or  
11 the rules adopted under this section.

12 (5) It shall be the duty of the licensee of the public  
13 food service establishment to provide training in accordance  
14 with the described rule to all employees under the licensee's  
15 supervision or control. The licensee may designate a  
16 certified food service manager to perform this function as an  
17 agent of the licensee. ~~Food service employees must receive~~  
18 ~~certification pursuant to this section by January 1, 2001.~~  
19 Food service employees ~~hired after November 1, 2000,~~ must  
20 receive certification within 60 days after employment.  
21 Certification pursuant to this section shall remain valid for  
22 3 years.

23 (6) The division may adopt rules pursuant to ss.  
24 120.536(1) and 120.54 necessary to administer this section.  
25 The rules may require:

26 (a) The use of application forms, which may require,  
27 but need not be limited to, the identification of training  
28 components of the program and an applicant affidavit attesting  
29 to the accuracy of the information provided in the  
30 application;

31

1           (b) Providers to maintain information concerning  
2 establishments where they provide training pursuant to this  
3 section;

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

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

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

11           742.10 Establishment of paternity for children born  
12 out of wedlock.--

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



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

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

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

20 743.0645 Other persons who may consent to medical care  
21 or treatment of a minor.--

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

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

31

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

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

17  
18 There shall be maintained in the treatment provider's records  
19 of the minor documentation that a reasonable attempt was made  
20 to contact the person who has the power to consent.

21 Section 24. Section 827.035, Florida Statutes, is  
22 amended to read:

23 827.035 Newborn infants.--It shall not constitute  
24 neglect of a child pursuant to s. 827.03 or contributing to  
25 the dependency of a child pursuant to s. 827.04, if a parent  
26 leaves a newborn infant, ~~as defined in s. 383.50,~~ at a  
27 hospital, emergency medical services station, or fire station  
28 or brings a newborn infant to an emergency room and expresses  
29 an intent to leave the infant and not return, in compliance  
30 with s. 383.50.

1           Section 25. Paragraph (e) of subsection (5) of section  
2 212.055, Florida Statutes, is amended to read:

3           212.055 Discretionary sales surtaxes; legislative  
4 intent; authorization and use of proceeds.--It is the  
5 legislative intent that any authorization for imposition of a  
6 discretionary sales surtax shall be published in the Florida  
7 Statutes as a subsection of this section, irrespective of the  
8 duration of the levy. Each enactment shall specify the types  
9 of counties authorized to levy; the rate or rates which may be  
10 imposed; the maximum length of time the surtax may be imposed,  
11 if any; the procedure which must be followed to secure voter  
12 approval, if required; the purpose for which the proceeds may  
13 be expended; and such other requirements as the Legislature  
14 may provide. Taxable transactions and administrative  
15 procedures shall be as provided in s. 212.054.

16           (5) COUNTY PUBLIC HOSPITAL SURTAX.--Any county as  
17 defined in s. 125.011(1) may levy the surtax authorized in  
18 this subsection pursuant to an ordinance either approved by  
19 extraordinary vote of the county commission or conditioned to  
20 take effect only upon approval by a majority vote of the  
21 electors of the county voting in a referendum. In a county as  
22 defined in s. 125.011(1), for the purposes of this subsection,  
23 "county public general hospital" means a general hospital as  
24 defined in s. 395.002 which is owned, operated, maintained, or  
25 governed by the county or its agency, authority, or public  
26 health trust.

27           (e) The Health Policy Authority, created by the county  
28 commission, shall adopt and implement a health care plan for  
29 indigent health care services.~~A governing board, agency, or~~  
30 ~~authority shall be chartered by the county commission upon~~  
31 ~~this act becoming law. The governing board, agency, or~~

1 ~~authority shall adopt and implement a health care plan for~~  
2 ~~indigent health care services. The governing board, agency,~~  
3 ~~or authority shall consist of no more than seven and no fewer~~  
4 ~~than five members appointed by the county commission. The~~  
5 ~~members of the governing board, agency, or authority shall be~~  
6 ~~at least 18 years of age and residents of the county. No~~  
7 ~~member may be employed by or affiliated with a health care~~  
8 ~~provider or the public health trust, agency, or authority~~  
9 ~~responsible for the county public general hospital. The~~  
10 ~~following community organizations shall each appoint a~~  
11 ~~representative to a nominating committee: the South Florida~~  
12 ~~Hospital and Healthcare Association, the Miami-Dade County~~  
13 ~~Public Health Trust, the Dade County Medical Association, the~~  
14 ~~Miami-Dade County Homeless Trust, and the Mayor of Miami-Dade~~  
15 ~~County. This committee shall nominate between 10 and 14~~  
16 ~~county citizens for the governing board, agency, or authority.~~  
17 ~~The slate shall be presented to the county commission and the~~  
18 ~~county commission shall confirm the top five to seven~~  
19 ~~nominees, depending on the size of the governing board. Until~~  
20 ~~such time as the governing board, agency, or authority is~~  
21 ~~created, the funds provided for in subparagraph (d)2. shall be~~  
22 ~~placed in a restricted account set aside from other county~~  
23 ~~funds and not disbursed by the county for any other purpose.~~

24       1. The plan shall divide the county into a minimum of  
25 four and maximum of six service areas, with no more than one  
26 participant hospital per service area. The county public  
27 general hospital shall be designated as the provider for one  
28 of the service areas. Services shall be provided through  
29 participants' primary acute care facilities.

30       2. The plan and subsequent amendments to it shall fund  
31 a defined range of health care services for both indigent

1 persons and the medically poor, including ~~primary care,~~  
2 ~~preventive care,~~ hospital emergency room care, and hospital  
3 care necessary to stabilize the patient. For the purposes of  
4 this section, "stabilization" means stabilization as defined  
5 in s. 397.311(30). ~~Where consistent with these objectives, the~~  
6 ~~plan may include services rendered by physicians, clinics,~~  
7 ~~community hospitals, and alternative delivery sites, as well~~  
8 ~~as at least one regional referral hospital per service area.~~  
9 The plan shall provide that agreements negotiated between the  
10 governing board, agency, or authority and providers shall  
11 recognize hospitals that render a disproportionate share of  
12 indigent care, provide other incentives to promote the  
13 delivery of charity care to draw down federal funds where  
14 appropriate, and require cost containment, including, but not  
15 limited to, case management. From the funds specified in  
16 subparagraphs (d)1. and 2. for indigent health care services,  
17 service providers shall receive reimbursement at a Medicaid  
18 rate. ~~to be determined by the governing board, agency, or~~  
19 ~~authority created pursuant to this paragraph for the initial~~  
20 ~~emergency room visit, and a per-member per-month fee or~~  
21 ~~capitation for those members enrolled in their service area,~~  
22 ~~as compensation for the services rendered following the~~  
23 ~~initial emergency visit. Except for provisions of emergency~~  
24 ~~services, upon determination of eligibility, enrollment shall~~  
25 ~~be deemed to have occurred at the time services were rendered.~~  
26 ~~The provisions for specific reimbursement of emergency~~  
27 ~~services shall be repealed on July 1, 2001, unless otherwise~~  
28 ~~reenacted by the Legislature. The capitation amount or rate~~  
29 ~~shall be determined prior to program implementation by an~~  
30 ~~independent actuarial consultant.~~ In no event shall the ~~such~~  
31 reimbursement rates exceed the Medicaid rate. The plan must

1 also provide that any hospitals owned and operated by  
2 government entities on or after the effective date of this act  
3 must, as a condition of receiving funds under this subsection,  
4 afford public access equal to that provided under s. 286.011  
5 as to any meeting of the governing board, agency, or authority  
6 the subject of which is budgeting resources for the retention  
7 of charity care, as that term is defined in the rules of the  
8 Agency for Health Care Administration. ~~The plan shall also~~  
9 ~~include innovative health care programs that provide~~  
10 ~~cost-effective alternatives to traditional methods of service~~  
11 ~~and delivery funding.~~

12 3. The plan's benefits shall be made available to all  
13 county residents currently eligible to receive health care  
14 services as indigents or medically poor as defined in  
15 paragraph (4)(d).

16 ~~4. Eligible residents who participate in the health~~  
17 ~~care plan shall receive coverage for a period of 12 months or~~  
18 ~~the period extending from the time of enrollment to the end of~~  
19 ~~the current fiscal year, per enrollment period, whichever is~~  
20 ~~less.~~

21 4.5. At the end of each fiscal year, the Health Policy  
22 ~~governing board, agency, or Authority~~ shall prepare an audit  
23 that reviews the budget of the plan, delivery of services, and  
24 quality of services, and makes recommendations to increase the  
25 plan's efficiency. The audit shall take into account  
26 participant hospital satisfaction with the plan and assess the  
27 amount of poststabilization patient transfers requested, and  
28 accepted or denied, by the county public general hospital.

29 Section 26. Section 11 of chapter 2000-312, Laws of  
30 Florida, is amended to read:

31

1           Section 11. The provisions of this act shall be  
2 reviewed by the Legislature prior to October 1, 2006 ~~2005~~, and  
3 shall be repealed on that date unless otherwise reenacted by  
4 the Legislature.

5           Section 27. Effective June 1, 2001, subsection (1) of  
6 section 71 of chapter 98-171, Laws of Florida, is repealed.

7           Section 28. Except as otherwise provided herein, this  
8 act shall take effect July 1, 2001.

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