

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; providing
9 effective dates.

10
11 Be It Enacted by the Legislature of the State of Florida:

12
13 Section 1. Paragraph (f) of subsection (2) of section
14 39.201, Florida Statutes, is amended to read:

15 39.201 Mandatory reports of child abuse, abandonment,
16 or neglect; mandatory reports of death; central abuse
17 hotline.--

18 (2)

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

22 1. If the report is of an abandoned newborn infant as
23 described in s. 383.50 and there is no indication of abuse,
24 neglect, or abandonment ~~of the infant~~ other than that
25 necessarily entailed in the infant having been left at a ~~fire~~
26 ~~station or~~ hospital, emergency medical services station, or
27 fire station, the department shall provide to the caller the
28 name of a licensed child-placing agency on a rotating basis
29 from a list of licensed child-placing agencies eligible and
30 required to accept physical custody of and to place newborn
31 infants left at a hospital, emergency medical services

1 station, or a fire station. The report shall not be considered
2 a report of abuse, neglect, or abandonment solely because the
3 infant has been left at a hospital, emergency medical services
4 station, or fire station pursuant to s. 383.50.

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

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

16 63.0423 Procedures with respect to abandoned
17 newborns.--

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

26 (4) Within 7 days after accepting physical custody of
27 the newborn infant, the licensed child-placing agency shall
28 initiate a diligent search to notify and to obtain consent
29 from a parent whose identity or location is unknown, other
30 than the parent who has left a newborn infant at a ~~fire~~
31 ~~station or a~~ hospital, emergency medical services station, or

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

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

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

31

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

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

9 154.02 County Health Department Trust Fund.--

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

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

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

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

31

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

3 232.465 Provision of medical services; restrictions.--

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

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

15 (b) Gastrostomy tube feeding.

16 (c) Monitoring blood glucose.

17 (d) Administering emergency injectable medication.

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

26 Section 5. Subsection (11) is added to section
27 381.0056, Florida Statutes, to read:

28 381.0056 School health services program.--

29 (11) School health programs funded by health care
30 districts or entities defined in subsection (3) must be

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1 supplementary to and consistent with the requirements of this
2 section and ss. 381.0057 and 381.0059.

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

5 381.0059 Background screening requirements for school
6 health services personnel.--

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

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

23 ~~(b) In order to conduct level 2 screening, any person~~
24 ~~who provides services under a school health services plan~~
25 ~~pursuant to s. 381.0056 must furnish to the Department of~~
26 ~~Health a full set of fingerprints to enable the department to~~
27 ~~conduct a criminal background investigation. Each person who~~
28 ~~provides services under a school health services plan pursuant~~
29 ~~to s. 381.0056 must file a complete set of fingerprints taken~~
30 ~~by an authorized law enforcement officer and must provide~~
31 ~~sufficient information for a statewide criminal records~~

1 ~~correspondence check through the Florida Department of Law~~
2 ~~Enforcement. The Department of Health shall submit the~~
3 ~~fingerprints to the Florida Department of Law Enforcement for~~
4 ~~a statewide criminal history check, and the Florida Department~~
5 ~~of Law Enforcement shall forward the fingerprints to the~~
6 ~~Federal Bureau of Investigation for a national criminal~~
7 ~~history check.~~

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

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

1 ~~status and who is disqualified because of the results of his~~
2 ~~or her background screening may contest that disqualification.~~

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

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

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

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

28 (5) As used in this section, the term "person who
29 provides services under a school health services plan"
30 includes unpaid volunteers, except for ~~does not include~~ an
31

1 unpaid volunteer who lectures students in group settings on
2 health education topics.

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

6 381.026 Florida Patient's Bill of Rights and
7 Responsibilities.--

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

10 (d) Access to health care.--

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

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

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

26
27 SUMMARY OF THE FLORIDA PATIENT'S BILL
28 OF RIGHTS AND RESPONSIBILITIES
29

30 Florida law requires that your health care provider or
31 health care facility recognize your rights while you are

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

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

10 A patient has the right to a prompt and reasonable
11 response to questions and requests.

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

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

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

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

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

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

27 A patient who is eligible for Medicare has the right to
28 know, upon request and in advance of treatment, whether the
29 health care provider or health care facility accepts the
30 Medicare assignment rate.

31

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

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

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

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

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

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

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

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

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

1 A patient is responsible for following the treatment
2 plan recommended by the health care provider.

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

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

9 A patient is responsible for assuring that the
10 financial obligations of his or her health care are fulfilled
11 as promptly as possible.

12 A patient is responsible for following health care
13 facility rules and regulations affecting patient care and
14 conduct.

15 Section 8. Subsections (6) and (10) of section
16 382.003, Florida Statutes, are amended to read:

17 382.003 Powers and duties of the department.--The
18 department may:

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

26 (10) Accept, use, and produce all records, reports,
27 and documents necessary for carrying out the provisions of
28 this chapter, in paper or electronic form, and adopt,
29 ~~promulgate,~~and enforce all rules necessary for the
30 acceptance, use, production ~~creation~~, issuance, recording,
31 maintenance, and processing of such vital records, reports,

1 and documents, and for carrying out the provisions of ss.
2 382.004-382.0135 and ss. 382.016-382.019.

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

5 382.004 Reproduction and destruction of records.--

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

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

14 Section 10. Paragraph (c) of subsection (2) of section
15 382.013, Florida Statutes, is amended to read:

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

25 (2) PATERNITY.--

26 (c) If the mother is not married at the time of the
27 birth, the name of the father may not be entered on the birth
28 certificate without the execution of an ~~a consenting~~ affidavit
29 signed by both the mother and the person to be named as the
30 father. The facility shall give ~~After giving~~ notice orally or
31 through the use of video or audio equipment, and in writing,

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

13 Section 11. Section 382.016, Florida Statutes, is
 14 amended to read:

15 382.016 Amendment of records.--

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

27 (1)(2) CERTIFICATE OF LIVE BIRTH AMENDMENT.--

28 (a) Until a child's first birthday, the child's given
 29 name or surname may be amended upon receipt of the fees
 30 prescribed in s. 382.0255 and an affidavit signed by each
 31 parent named on the original birth certificate or by the

1 registrant's guardian. If both parents are named on the
2 certificate but both are not willing or available to sign the
3 affidavit, the registrant's name may only be amended by court
4 order.

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

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

1 order requires issuance of a certified copy of the original
2 certificate of birth. The department shall place the original
3 certificate of birth and all papers pertaining thereto under
4 seal, not to be broken except by order of a court of competent
5 jurisdiction or as otherwise provided by law.

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

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

17 Section 12. Paragraph (h) of subsection (1) of section
18 382.0255, Florida Statutes, is amended to read:

19 382.0255 Fees.--

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

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

25 Section 13. Paragraph (c) of subsection (3) of section
26 383.402, Florida Statutes, is amended to read:

27 383.402 Child abuse death review; State Child Abuse
28 Death Review Committee; local child abuse death review
29 committees.--

30 (3) The State Child Abuse Death Review Committee
31 shall:

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

11 Section 14. Paragraph (b) of subsection (1) of section
12 383.14, Florida Statutes, is amended to read:

13 383.14 Screening for metabolic disorders, other
14 hereditary and congenital disorders, and environmental risk
15 factors.--

16 (1) SCREENING REQUIREMENTS.--To help ensure access to
17 the maternal and child health care system, the Department of
18 Health shall promote the screening of all infants born in
19 Florida for phenylketonuria and other metabolic, hereditary,
20 and congenital disorders known to result in significant
21 impairment of health or intellect, as screening programs
22 accepted by current medical practice become available and
23 practical in the judgment of the department. The department
24 shall also promote the identification and screening of all
25 infants born in this state and their families for
26 environmental risk factors such as low income, poor education,
27 maternal and family stress, emotional instability, substance
28 abuse, and other high-risk conditions associated with
29 increased risk of infant mortality and morbidity to provide
30 early intervention, remediation, and prevention services,
31 including, but not limited to, parent support and training

1 programs, home visitation, and case management.
2 Identification, perinatal screening, and intervention efforts
3 shall begin prior to and immediately following the birth of
4 the child by the attending health care provider. Such efforts
5 shall be conducted in hospitals, perinatal centers, county
6 health departments, school health programs that provide
7 prenatal care, and birthing centers, and reported to the
8 Office of Vital Statistics.

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

1 screening information registry is integrated with the
 2 department's automated data systems, including the Florida
 3 On-line Recipient Integrated Data Access (FLORIDA) system.
 4 Tests and screenings must be performed by the State Public
 5 Health Laboratory, in coordination with Children's Medical
 6 Services, at such times and in such manner as is prescribed by
 7 the department after consultation with the Genetics and Infant
 8 Screening Advisory Council and the State Coordinating Council
 9 for School Readiness Programs.

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

12 383.50 Treatment of abandoned newborn infant.--

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

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

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

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

31

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

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

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

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

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

9 391.037 Physicians; private-sector services.--It is
10 not a violation of s. 112.313(7) for a physician licensed
11 under chapter 458 or chapter 459 who is providing
12 private-sector services to clients of the department or who is
13 employed by or has a contractual relationship with any
14 business entity or agency that is a contract provider for the
15 department to also be employed by the department to provide
16 services under this chapter or chapter 39 if:

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

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

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

30 Section 17. Paragraph (b) of subsection (2) of section
31 401.113, Florida Statutes, is amended to read:

1 401.113 Department; powers and duties.--

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

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

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

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

26
27 The department shall develop procedures and standards for
28 grant disbursement under this paragraph based on the need for
29 emergency medical services, the requirements of the population
30 to be served, and the objectives of the state emergency
31 medical services plan.

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

3 401.27 Personnel; standards and certification.--

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

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

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

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

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

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

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

24 (e)1. For an emergency medical technician, hold either
25 a current American Heart Association cardiopulmonary
26 resuscitation course card or an American Red Cross
27 cardiopulmonary resuscitation course card or its equivalent as
28 defined by department rule;

29 2. For a paramedic, hold a certificate of successful
30 course completion in advanced cardiac life support from the
31

1 American Heart Association or its equivalent as defined by
2 department rule;

3 (f) Submit the certification fee and the nonrefundable
4 examination fee prescribed in s. 401.34, which examination fee
5 will be required for each examination administered to an
6 applicant; and

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

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

31

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

5 404.056 Environmental radiation standards and
6 programs; radon protection.--

7 (4)~~(5)~~ MANDATORY TESTING.--All public and private
8 school buildings or school sites housing students in
9 kindergarten through grade 12; all state-owned,
10 state-operated, state-regulated, or state-licensed 24-hour
11 care facilities; and all state-licensed day care centers for
12 children or minors which are located in counties designated
13 within the Department of Community Affairs' Florida Radon
14 Protection Map Categories as "Intermediate" or "Elevated Radon
15 Potential" shall be measured to determine the level of indoor
16 radon, using measurement procedures established by the
17 department. Testing shall be completed within the first year
18 of construction in 20 percent of the habitable first floor
19 spaces within any of the regulated buildings. Initial
20 measurements shall be completed and reported to the department
21 by July 1 of the year the building is opened for occupancy.
22 Followup testing must be completed in 5 percent of the
23 habitable first floor spaces within any of the regulated
24 buildings after the building has been occupied for 5 years,
25 and results must be reported to the department by July 1 of
26 the 5th year of occupancy. After radon measurements have been
27 made twice, regulated buildings need not undergo further
28 testing unless significant structural changes occur. ~~Where~~
29 ~~fill soil is required for the construction of a regulated~~
30 ~~building, initial testing of fill soil must be performed using~~
31 ~~measurement procedures established by the department, and the~~

1 ~~results must be reported to the department prior to~~
2 ~~construction.~~ No funds collected pursuant to s. 553.721 shall
3 be used to carry out the provisions of this subsection.

4 (6)(7) RULES.--The department shall have the authority
5 to promulgate rules necessary to carry out the provisions of
6 this section, including the definition of terms.

7 Section 20. Paragraph (d) of subsection (2) of section
8 499.012, Florida Statutes, is amended to read:

9 499.012 Wholesale distribution; definitions; permits;
10 general requirements.--

11 (2) The following types of wholesaler permits are
12 established:

13 (d) A retail pharmacy wholesaler's permit. A retail
14 pharmacy wholesaler is a retail pharmacy engaged in wholesale
15 distribution of prescription drugs within this state under the
16 following conditions:

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

20 2. The wholesale distribution activity does not exceed
21 30 percent of the total annual purchases of prescription
22 drugs. If the wholesale distribution activity exceeds the
23 30-percent maximum, the pharmacy must obtain a prescription
24 drug wholesaler's permit.

25 3. The transfer of prescription drugs that appear in
26 any schedule contained in chapter 893 is subject to chapter
27 893 and the federal Comprehensive Drug Abuse Prevention and
28 Control Act of 1970.

29 4. The transfer is between a retail pharmacy and
30 another retail pharmacy, or a Modified Class II institutional
31 pharmacy, or a health care practitioner licensed in this state

1 and authorized by law to dispense or prescribe prescription
2 drugs.

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

7 Section 21. Section 509.049, Florida Statutes, is
8 amended to read:

9 509.049 Food service employee training.--

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

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

1 food service industry, the provider's demonstrated commitment
2 to food safety, and its ability to provide a statewide program
3 with industry support and participation.

4 (3) Any food safety training program established and
5 administered to food handler employees utilized at a public
6 food service establishment prior to July 1, 2000, may ~~the~~
7 ~~effective date of this act shall~~ be submitted by the operator
8 or the provider to the division for its review and approval.

9 If the food safety training program is found to be in
10 substantial compliance with the division's required criteria
11 and is approved by the division, nothing in this section shall
12 preclude any other operator of a food service establishment
13 from also utilizing the approved program or require the
14 employees of any operator to receive training from or pay a
15 fee to the division's contracted provider. Review and
16 approval by the division of a program or programs under this
17 section shall include, but not be limited to, the minimum food
18 safety standards adopted by the division in accordance with
19 this section.

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

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

1 certified food service manager to perform this function as an
2 agent of the licensee. ~~Food service employees must receive~~
3 ~~certification pursuant to this section by January 1, 2001.~~
4 Food service employees ~~hired after November 1, 2000,~~ must
5 receive certification within 60 days after employment.
6 Certification pursuant to this section shall remain valid for
7 3 years.

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

10 The rules may require:

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

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

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

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

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

26 742.10 Establishment of paternity for children born
27 out of wedlock.--

28 (1) This chapter provides the primary jurisdiction and
29 procedures for the determination of paternity for children
30 born out of wedlock. When the establishment of paternity has
31 been raised and determined within an adjudicatory hearing

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

24 (3) The department shall adopt rules which establish
25 the information which must be provided to an individual prior
26 to execution of an ~~a consenting~~ affidavit or voluntary
27 acknowledgment of paternity. The information shall explain the
28 alternatives to, the legal consequences of, and the rights,
29 including, if one parent is a minor, any rights afforded due
30 to minority status, and responsibilities that arise from
31 acknowledging paternity.

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

4 743.0645 Other persons who may consent to medical care
5 or treatment of a minor.--

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

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

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

24 (a) A person who possesses a power of attorney to
25 provide medical consent for the minor. A power of attorney
26 executed after July 1, 2001, to provide medical consent for a
27 minor includes the power to consent to medically necessary
28 surgical and general anesthesia services for the minor unless
29 such services are excluded by the individual executing the
30 power of attorney.

31

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

4 Section 24. Section 827.035, Florida Statutes, is
5 amended to read:

6 827.035 Newborn infants.--It shall not constitute
7 neglect of a child pursuant to s. 827.03 or contributing to
8 the dependency of a child pursuant to s. 827.04, if a parent
9 leaves a newborn infant, ~~as defined in s. 383.50,~~ at a
10 hospital, emergency medical services station, or fire station
11 or brings a newborn infant to an emergency room and expresses
12 an intent to leave the infant and not return, in compliance
13 with s. 383.50.

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

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

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