

By Representative Hogan

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 can accept abandoned newborns; amending s.
6 232.465, F.S.; expanding the type of personnel
7 that can supervise nonmedical school district
8 personnel; providing technical corrections;
9 amending s. 381.0059, F.S.; revising background
10 screening requirements for school health
11 service personnel; amending ss. 382.003,
12 382.004, 382.013, 382.016, and 382.0255, F.S.;
13 modifying provisions relating to vital records;
14 amending s. 383.402, F.S.; modifying the annual
15 report date for child abuse death reviews;
16 amending s. 385.206, F.S., relating to the
17 hematology-encology care center program;
18 deleting data review by the Florida Association
19 of Pediatric Tumor Programs, Inc.; amending s.
20 392.52, F.S.; providing additional definitions
21 relating to tuberculosis control; creating s.
22 392.566, F.S.; providing for appointment of a
23 guardian advocate for tuberculosis patients;
24 specifying qualifications, training, and
25 responsibilities of the guardian advocate;
26 amending s. 401.113, F.S.; providing for use of
27 funds in the Emergency Medical Services Trust
28 Fund for injury prevention programs; amending
29 s. 401.27, F.S.; exempting emergency medical
30 services examination questions and answers from
31 discovery; providing conditions for

1 introduction in administrative proceedings;
2 repealing s. 404.056(2), F.S., relating to the
3 Florida Coordinating Council on Radon
4 Protection; amending s. 404.056, F.S.; deleting
5 an obsolete environmental radiation soil
6 testing requirement; clarifying rulemaking
7 authority; amending s. 742.10, F.S.; conforming
8 terminology; correcting a cross reference;
9 amending s. 3 of ch. 87-450, Laws of Florida;
10 requiring school health programs of the Health
11 Care District of Palm Beach County to be
12 supplementary to and consistent with specified
13 provisions of state law; repealing s. 385.205,
14 F.S.; relating to kidney disease control
15 programs; providing an effective date.

16
17 Be It Enacted by the Legislature of the State of Florida:

18
19 Section 1. Paragraph (f) of subsection (2) of section
20 39.201, Florida Statutes, is amended to read:

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

24 (2)

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

28 1. If the report is of an abandoned newborn infant as
29 described in s. 383.50 and there is no indication of abuse,
30 neglect, or abandonment ~~of the infant~~ other than that
31 necessarily entailed in the infant having been left at a ~~fire~~

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

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

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

22 63.0423 Procedures with respect to abandoned
23 newborns.--

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

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

28 (7) If a claim of parental rights of a newborn infant
29 is made before the judgment to terminate parental rights is
30 entered, the circuit court shall hold the action for
31

1 termination of parental rights pending subsequent adoption in
2 abeyance for a period of time not to exceed 60 days.

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

7 (10) Except to the extent expressly provided in this
8 section, proceedings initiated by a licensed child-placing
9 agency for the termination of parental rights and subsequent
10 adoption of a newborn left at a hospital, emergency medical
11 services station, or a fire station in accordance with s.
12 383.50 shall be conducted pursuant to this chapter ~~63~~.

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

9 381.0059 Background screening requirements for school
10 health services personnel.--

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

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

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

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

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

24 ~~(2)(a) When the Department of Health has reasonable~~
25 ~~cause to believe that grounds exist for the disqualification~~
26 ~~of any person providing services under a school health~~
27 ~~services plan pursuant to s. 381.0056, as a result of~~
28 ~~background screening, it shall notify the person in writing,~~
29 ~~stating the specific record that indicates noncompliance with~~
30 ~~the level 2 screening standards. The Department of Health must~~
31 ~~disqualify any person from providing services under a school~~

1 ~~health services plan pursuant to s. 381.0056 if the department~~
2 ~~finds that the person is not in compliance with the level 2~~
3 ~~screening standards. A person who provides services under a~~
4 ~~school health plan pursuant to s. 381.0056 on a probationary~~
5 ~~status and who is disqualified because of the results of his~~
6 ~~or her background screening may contest that disqualification.~~

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

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

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

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

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

6 Section 5. Subsections (6) and (10) of section
7 382.003, Florida Statutes, are amended to read:

8 382.003 Powers and duties of the department.--The
9 department may:

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

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

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

27 382.004 Reproduction and destruction of records.--

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

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

5 Section 7. Paragraph (c) of subsection (2) of section
6 382.013, Florida Statutes, is amended to read:

7 382.013 Birth registration.--A certificate for each
8 live birth that occurs in this state shall be filed within 5
9 days after such birth with the local registrar of the district
10 in which the birth occurred and shall be registered by the
11 local registrar if the certificate has been completed and
12 filed in accordance with this chapter and adopted rules. The
13 information regarding registered births shall be used for
14 comparison with information in the state case registry, as
15 defined in chapter 61.

16 (2) PATERNITY.--

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

1 of the mother and the person to be named as the father, the
2 facility shall assist in the execution of the affidavit or
3 voluntary acknowledgement of paternity.

4 Section 8. Section 382.016, Florida Statutes, is
5 amended to read:

6 382.016 Amendment of records.--

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

18 (1)(2) CERTIFICATE OF LIVE BIRTH AMENDMENT.--

19 (a) Until a child's first birthday, the child's given
20 name or surname may be amended on a certificate of live birth
21 without requiring documentary evidence, upon receipt of the
22 fees prescribed in s. 382.0255 and an affidavit signed by each
23 parent named on the original birth certificate or by the
24 registrant's guardian. After the child's first birthday,
25 documentary evidence is required. If both parents are named on
26 the certificate but both are not willing or available to sign
27 the affidavit, the registrant's name may only be amended by
28 court order.

29 (b)(3) Upon written request and receipt of an
30 affidavit or voluntary acknowledgement of paternity signed by
31 the mother and father acknowledging the paternity of a

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

16 ~~(4) When a new certificate of birth is prepared~~
17 ~~pursuant to subsection (3), the department shall substitute~~
18 ~~the new certificate of birth for the original certificate on~~
19 ~~file. All copies of the original certificate of live birth in~~
20 ~~the custody of a local registrar or other state custodian of~~
21 ~~vital records shall be forwarded to the State Registrar.~~
22 ~~Thereafter, when a certified copy of the certificate of birth~~
23 ~~or portion thereof is issued, it shall be a copy of the new~~
24 ~~certificate of birth or portion thereof, except when a court~~
25 ~~order requires issuance of a certified copy of the original~~
26 ~~certificate of birth. The department shall place the original~~
27 ~~certificate of birth and all papers pertaining thereto under~~
28 ~~seal, not to be broken except by order of a court of competent~~
29 ~~jurisdiction or as otherwise provided by law.~~

30 (c)(5) If a father's name is listed on the birth
31 certificate, the birth certificate may only be amended to

1 remove the father's name or to add a different father's name
2 upon court order. If a change in the registrant's surname is
3 also desired, such change must be included in the court order
4 or the name must be changed pursuant to s. 68.07.

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

10 Section 9. Paragraph (h) of subsection (1) of section
11 382.0255, Florida Statutes, is amended to read:

12 382.0255 Fees.--

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

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

18 Section 10. Paragraph (c) of subsection (3) of section
19 383.402, Florida Statutes, is amended to read:

20 383.402 Child abuse death review; State Child Abuse
21 Death Review Committee; local child abuse death review
22 committees.--

23 (3) The State Child Abuse Death Review Committee
24 shall:

25 (c) Prepare an annual statistical report on the
26 incidence and causes of death resulting from child abuse in
27 the state during the prior calendar year. The state committee
28 shall submit a copy of the report by December 31 ~~September 30~~
29 of each year to the Governor, the President of the Senate, and
30 the Speaker of the House of Representatives, ~~with the first~~
31 ~~annual report due on September 30, 2000.~~ The report must

1 include recommendations for state and local action, including
2 specific policy, procedural, regulatory, or statutory changes,
3 and any other recommended preventive action.

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

6 383.50 Treatment of abandoned newborn infant.--

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

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

19 (a) Provide emergency medical services to the newborn
20 infant to the extent he or she is trained to provide those
21 services, and

22 (b) Arrange for the immediate transportation of the
23 newborn infant to the nearest hospital with emergency
24 services.

25
26 Any firefighter, ~~or~~ emergency medical technician, or paramedic
27 accepting or providing emergency medical services to a newborn
28 infant pursuant to this subsection is immune from criminal or
29 civil liability for having performed the act. Nothing in this
30 subsection limits liability for negligence.

31

1 (5) Except where there is actual or suspected child
2 abuse or neglect, any parent who leaves a newborn infant with
3 a firefighter,~~or~~ emergency medical technician, or paramedic
4 at a fire station or emergency medical services station,or
5 brings a newborn infant to an emergency room of a hospital and
6 expresses an intent to leave the newborn infant and not
7 return,has the absolute right to remain anonymous and to
8 leave at any time and may not be pursued or followed unless
9 the parent seeks to reclaim the newborn infant.

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

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

24 Section 12. Subsection (5) of section 385.206, Florida
25 Statutes, is amended to read:

26 385.206 Hematology-oncology care center program.--

27 (5) PROGRAM AND PEER REVIEW.--The department shall
28 evaluate at least annually during the grant period the
29 services rendered by the centers ~~and the districts of the~~
30 ~~department. Data from the centers and other sources relating~~
31 ~~to pediatric cancer shall be reviewed annually by the Florida~~

1 ~~Association of Pediatric Tumor Programs, Inc.; and a written~~
2 ~~report with recommendations shall be made to the department.~~
3 ~~This database will be available to the department for~~
4 ~~formulation of its annual program and financial evaluation~~
5 ~~report. A portion of the funds appropriated for this section~~
6 ~~may be used to provide statewide consultation, supervision,~~
7 ~~and evaluation of the programs of the centers, as well as~~
8 ~~program office support personnel.~~

9 Section 13. Subsections (6) and (7) of section 392.52,
10 Florida Statutes, are renumbered as subsections (9) and (10),
11 respectively, and new subsections (6), (7), and (8) are added
12 to said section to read:

13 392.52 Definitions.--As used in this chapter, the
14 term:

15 (6) "Guardian advocate" means a person appointed by a
16 court to make decisions regarding medical treatment on behalf
17 of a patient who has been found incompetent to consent to
18 treatment pursuant to this chapter. The guardian advocate may
19 be granted specific additional powers by written order of the
20 court, as provided in this chapter.

21 (7) "Incompetent to consent to treatment" means that a
22 person lacks the mental capacity to make a well-reasoned,
23 willful, and knowing decision concerning his or her medical
24 treatment.

25 (8) "Psychiatrist" means a physician licensed under
26 chapter 458 or chapter 459 who has primarily diagnosed and
27 treated mental and nervous disorders for a period of not less
28 than 3 years, inclusive of psychiatric residency.

29 Section 14. Section 392.566, Florida Statutes, is
30 created to read:

31 392.566 Guardian advocate.--

1 (1) Subsequent to hospitalization under s. 392.56, the
2 department may petition the court for appointment of a
3 guardian advocate based upon the opinion of a psychiatrist
4 that the person is incompetent to consent to medical
5 treatment. If the court finds that a person is incompetent to
6 consent to medical treatment but has not been adjudicated
7 incapacitated under part V of chapter 744 and a guardian
8 appointed, the court shall appoint a guardian advocate. In
9 any such proceeding:

10 (a) The person shall have a right to be represented by
11 counsel. If the person is determined to be indigent pursuant
12 to s. 27.52, the court shall appoint legal counsel to
13 represent him or her at the hearing.

14 (b) The person shall have the right to attend the
15 hearing, to testify, cross-examine witnesses, and present
16 witnesses. After review and consultation by the court,
17 counsel for the person may waive the client's presence.

18 (c) The proceedings shall be recorded either
19 electronically or stenographically, and testimony shall be
20 provided under oath.

21 (d) A psychiatrist rendering an opinion in support of
22 the petition for a guardian advocate must testify.

23 (2) The guardian advocate must meet the qualifications
24 of a guardian contained in part IV of chapter 744, except that
25 the psychiatrist rendering the opinion that the person is
26 incompetent, an employee of the department, or a member of the
27 advocacy council shall not be appointed. A person appointed
28 as a guardian advocate must agree to the appointment.

29 (3) In selecting a guardian advocate, the court shall
30 give preference to a health care surrogate, if one has been
31 designated by the person. If a person has not previously

- 1 selected a surrogate, except for good cause documented in the
2 court record, the selection shall be made from the following
3 list in the order of listing:
- 4 (a) The person's spouse;
 - 5 (b) An adult child of the person;
 - 6 (c) A parent of the person;
 - 7 (d) The adult next of kin of the person; or
 - 8 (e) An adult trained and willing to serve as guardian
9 advocate for the person.
- 10 (4) Prior to the appointment of a guardian advocate,
11 the department must provide the prospective guardian advocate
12 with information about the duties and responsibilities of a
13 guardian advocate.
- 14 (5) Prior to a guardian advocate exercising his or her
15 authority, the advocate shall have successfully completed a
16 training course which must include, at a minimum, information
17 about the person's rights, diagnosis and treatment of
18 tuberculosis and other illnesses, the ethics of medical
19 decisionmaking, and the duties of guardian advocates.
- 20 (a) The training course must be developed by the
21 department and approved by the chief judge of the circuit
22 court.
 - 23 (b) The training course shall take the place of
24 training required for guardians pursuant to chapter 744.
 - 25 (c) The court may, on a case-by-case basis, waive some
26 or all of the training requirements or impose additional
27 requirements after considering the experience, training, and
28 education of the guardian advocate, the duties assigned to the
29 advocate, and the needs of the person.
- 30 (6) Before asking a guardian advocate to give consent
31 to medical treatment, the department shall provide sufficient

1 information to enable the guardian advocate to provide express
2 and informed consent to treatment. Sufficient information
3 shall include indications that the treatment is essential to
4 treat the person with tuberculosis or other medical condition,
5 and that the treatment does not present an unreasonable risk
6 of serious, hazardous, or irreversible side effects. Before
7 giving consent to treatment, the guardian advocate must meet
8 face-to-face and talk with the person and the person's
9 physician, if possible, and by telephone if not. The
10 decisions of the guardian advocate may be reviewed by the
11 court, upon petition by the person's attorney, person's
12 family, or the department.

13 (7) The guardian advocate shall be discharged when the
14 department files notice with the court that the person has
15 been discharged from the hospital or upon sufficient evidence
16 that the person is no longer incompetent to consent to medical
17 treatment, which may be documented by a notarized statement or
18 affidavit signed by a psychiatrist.

19 Section 15. Paragraph (b) of subsection (2) of section
20 401.113, Florida Statutes, is amended to read:

21 401.113 Department; powers and duties.--

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

25 (b) Forty percent of such moneys must be used by the
26 department for making matching grants to local agencies,
27 municipalities, and emergency medical services organizations
28 for the purpose of conducting research, increasing existing
29 levels of emergency medical services, evaluation, community
30 education, injury prevention programs,and training in
31

1 cardiopulmonary resuscitation and other lifesaving and first
2 aid techniques.

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

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

16
17 The department shall develop procedures and standards for
18 grant disbursement under this paragraph based on the need for
19 emergency medical services, the requirements of the population
20 to be served, and the objectives of the state emergency
21 medical services plan.

22 Section 16. Subsection (5) of section 401.27, Florida
23 Statutes, is amended to read:

24 401.27 Personnel; standards and certification.--

25 (5) The certification examination must be offered
26 monthly. The department shall issue an examination admission
27 notice to the applicant advising him or her of the time and
28 place of the examination for which he or she is scheduled.
29 Individuals achieving a passing score on the certification
30 examination may be issued a temporary certificate with their
31 examination grade report. The department must issue an

1 original certification within 45 days after the examination.
2 Examination questions and answers are not subject to discovery
3 but may be introduced into evidence and considered only in
4 camera in any administrative proceeding under chapter 120. If
5 an administrative hearing is held, the department shall
6 provide challenged examination questions and answers to the
7 administrative law judge.

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

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

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

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

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

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

16 742.10 Establishment of paternity for children born
17 out of wedlock.--

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

1 presumption, as defined by s. 90.304, of paternity and is
2 subject to the right of any signatory to rescind the
3 acknowledgment within 60 days of the date the acknowledgment
4 was signed or the date of an administrative or judicial
5 proceeding relating to the child, including a proceeding to
6 establish a support order, in which the signatory is a party,
7 whichever is earlier. Both parents are required to provide
8 their social security numbers on any acknowledgment of
9 paternity, consent affidavit, or stipulation of paternity.
10 Except for ~~consenting~~ affidavits under seal pursuant to s. ss.
11 ~~382.015 and 382.016~~, the Office of Vital Statistics shall
12 provide certified copies of affidavits to the Title IV-D
13 agency upon request.

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

22 Section 19. Section 827.035, Florida Statutes, is
23 amended to read:

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

1 Section 20. Subsection (31) of section 3 of chapter
2 87-450, Laws of Florida, as amended by chapters 91-344,
3 96-509, and 2000-489, Laws of Florida, is amended to read:

4 Section 3. Palm Beach County Health Care District of
5 Palm Beach County; district board; powers.--The District Board
6 of the Health Care District of Palm Beach County is vested
7 with the authority and responsibility to provide for the
8 comprehensive planning and delivery of adequate health care
9 facilities (including, but not limited to, hospitals) and
10 services for the citizens of Palm Beach County, particularly
11 medically needy citizens. For those purposes, the district
12 board shall have and may utilize the following powers:

13 (31) The Health Care District of Palm Beach County is
14 authorized to plan, coordinate, supervise, manage, and take
15 such other action as appropriate to implement the school
16 health programs as established by the district, provided that
17 such school health programs are supplementary to and
18 consistent with the provisions of ss. 381.0056-381.0059,
19 Florida Statutes.

20 Section 21. Section 385.205, Florida Statutes, is
21 repealed.

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

Revises various provisions relating to public health. Authorizes acceptance of abandoned newborn infants at emergency medical services stations. Authorizes supervision of nonmedical school district personnel by a licensed advanced registered nurse practitioner. Revises background screening requirements for school health services personnel. Modifies provisions relating to vital records. Changes from September 30 to December 31 the annual report date for child abuse death reviews. Removes requirement for data review under the hematology-oncology care center program by the Florida Association of Pediatric Tumor Programs, Inc. Provides for appointment of a guardian advocate for tuberculosis patients, and specifies qualifications, training, and responsibilities. Provides for use of funds in the Emergency Medical Services Trust Fund for injury prevention programs. Exempts emergency medical services examination questions and answers from discovery, and provides conditions for introduction in an administrative proceeding. Repeals provisions which establish and provide duties of the Florida Coordinating Council on Radon Protection. Removes a requirement for soil testing for environmental radiation prior to certain construction. Repeals provision which requires establishment of programs in kidney disease control.