

Bill No. SB 118

Amendment No. ____ Barcode 070698

CHAMBER ACTION

Senate

House

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Senator Jones moved the following amendment:

Senate Amendment (with title amendment)

On page 1, line 12,

insert:

Section 1. James and Esther King Center for Universal Research to Eradicate Disease.--

(1) The Legislature finds that an estimated 128 million Americans suffer from acute, chronic, and degenerative diseases and that biomedical research is the key to finding cures for these diseases that negatively affect all Floridians. The Legislature further finds that, while there is much research being conducted throughout this state and throughout the world, there is a lack of coordination of efforts among researchers. The Legislature, therefore, finds that there is a significant need for a coordinated effort if the goal of curing disease is to be achieved. Moreover, the Legislature finds that the biomedical technology sector meets the criteria of a high-impact sector, pursuant to section 288.108, Florida Statutes, having a high importance to this

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1 state's economy with a significant potential for growth and
2 contribution to our universities and quality of life.

3 (2) It is the intent of the Legislature that Florida
4 strive to become the nation's leader in biomedical research
5 and commit itself to being the state to find cures for the
6 most deadly and widespread diseases. It is further the intent
7 of the Legislature that there be a coordinated effort among
8 the state's public and private universities and the biomedical
9 industry to discover such cures. Moreover, it is the intent of
10 the Legislature to expand the state economy by attracting
11 biomedical researchers and research companies to this state.

12 (3) There is established the James and Esther King
13 Center for Universal Research to Eradicate Disease, which
14 shall be known as the "CURED."

15 (a) The purpose of the center is to coordinate,
16 improve, expand, and monitor all biomedical research programs
17 within the state, facilitate funding opportunities, and foster
18 improved technology transfer of research findings into
19 clinical trials and widespread public use.

20 (b) The goal of the center is to find cures for
21 diseases such as cancer, heart disease, lung disease,
22 diabetes, and neurological disorders, including Alzheimer's
23 disease, epilepsy, and Parkinson's disease.

24 (c) The center shall hold an annual biomedical
25 technology summit in Florida to which biomedical researchers,
26 biomedical technology companies, business incubators,
27 pharmaceutical manufacturers, and others around the nation and
28 world are invited to share biomedical research findings in
29 order to expedite the discovery of cures. Summit attendees
30 will be required to cover the costs of such attendance or
31 obtain sponsorship for such attendance.

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1 (d) The center shall encourage clinical trials in this
2 state on research that holds promise of curing a disease or
3 condition. The center shall facilitate partnerships between
4 researchers, treating physicians, and community hospitals for
5 the purpose of sharing new techniques and new research
6 findings, as well as coordinating voluntary donations to
7 ensure an adequate supply of adult stem cells or cord blood.

8 (e) The center shall also encourage the discovery and
9 production in Florida of vaccines that prevent disease.

10 (f) The center shall monitor the supply and demand
11 needs of researchers relating to stem cell research and other
12 types of human tissue research. If the center determines that
13 there is a need for increased donation of human tissue, it
14 shall notify hospitals licensed pursuant to chapter 395,
15 Florida Statutes, that have entered into partnership
16 agreements with research institutes conducting stem cell
17 research located in the same geographic region as the
18 researchers demanding the stem cells or other tissues. Such
19 hospitals shall then implement programs that encourage
20 voluntary donations of cord blood or other needed adult
21 tissue.

22 (g) The center shall be funded through private, state,
23 and federal sources.

24 (h) The center shall serve as a registry of all known
25 biomedical grant opportunities and may assist any public or
26 private biomedical research program in this state in preparing
27 grant requests.

28 (i) The center shall maintain a website with links to
29 peer-reviewed biomedical research. The website shall also
30 contain a list of all known biomedical research being
31 conducted in Florida and shall facilitate communication among

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1 researchers and other interested parties.

2 (j) The center shall submit an annual report to the
3 Governor, the President of the Senate, and the Speaker of the
4 House of Representatives no later than January 15 which
5 contains recommendations for legislative change necessary to
6 foster a positive climate for biomedical research in this
7 state.

8 (k) The duties of the center may be outsourced by the
9 Department of Health to a private entity or state university.

10 (4) There is established within the center an advisory
11 council which shall meet at least annually.

12 (a) The council shall consist of the members of the
13 board of directors of the Florida Research Consortium and at
14 least one representative from:

15 1. The Emerging Technology Commission.

16 2. Enterprise Florida, Inc.

17 3. BioFlorida.

18 4. The Florida Biomedical Research Advisory Council.

19 5. The Florida Medical Foundation.

20 6. Pharmaceutical Research and Manufacturers of
21 America.

22 (b) Members of the council shall serve without
23 compensation and each organization represented shall cover all
24 expenses of its representative.

25 Section 2. Paragraphs (a) and (b) of subsection (1),
26 subsection (2), and paragraph (f) of subsection (10) of
27 section 215.5602, Florida Statutes, are amended to read:

28 215.5602 Florida Biomedical Research Program.--

29 (1) There is established within the Department of
30 Health the Florida Biomedical Research Program funded by the
31 proceeds of the Lawton Chiles Endowment Fund pursuant to s.

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1 215.5601. The purpose of the Florida Biomedical Research
2 Program is to provide an annual and perpetual source of
3 funding in order to support research initiatives that address
4 the health care problems of Floridians in the areas of
5 tobacco-related cancer, cardiovascular disease, stroke, and
6 pulmonary disease. The long-term goals of the program are to:

7 (a) Improve the health of Floridians by researching
8 better prevention, diagnoses, ~~and~~ treatments, and cures for
9 cancer, cardiovascular disease, stroke, and pulmonary disease.

10 (b) Expand the foundation of biomedical knowledge
11 relating to the prevention, diagnosis, ~~and~~ treatment, and cure
12 of diseases related to tobacco use, including cancer,
13 cardiovascular disease, stroke, and pulmonary disease.

14 (2) Funds appropriated for the Florida Biomedical
15 Research Program shall be used exclusively for the award of
16 grants and fellowships as established in this section; for
17 research relating to the prevention, diagnosis, ~~and~~ treatment,
18 and cure of diseases related to tobacco use, including cancer,
19 cardiovascular disease, stroke, and pulmonary disease; and for
20 expenses incurred in the administration of this section.
21 Priority shall be granted to research designed to prevent or
22 cure disease.

23 (10) The council shall submit an annual progress
24 report on the state of biomedical research in this state to
25 the Governor, the Secretary of Health, the President of the
26 Senate, and the Speaker of the House of Representatives by
27 February 1. The report must include:

28 (f) Progress in the prevention, diagnosis, ~~and~~
29 treatment, and cure of diseases related to tobacco use,
30 including cancer, cardiovascular disease, stroke, and
31 pulmonary disease.

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1 Section 3. Florida Cancer Research Cooperative.--

2 (1) Effective July 1, 2003, the Florida Cancer
3 Research Cooperative is established for the purpose of making
4 the State of Florida a world class center for cancer research.

5 (2)(a) A not-for-profit corporation, acting as an
6 instrumentality of the Florida Dialogue on Cancer, shall be
7 organized for the purpose of governing the affairs of the
8 cooperative.

9 (b) The Florida Cancer Research Cooperative, Inc., may
10 create not-for-profit corporate subsidiaries to fulfill its
11 mission. The not-for-profit corporation and its subsidiaries
12 are authorized to receive, hold, invest, and administer
13 property and any moneys acquired from private, local, state,
14 and federal sources, as well as technical and professional
15 income generated or derived from the mission-related
16 activities of the cooperative.

17 (c) The affairs of the not-for-profit corporation
18 shall be managed by a board of directors which shall consist
19 of:

20 1. The Secretary of the Department of Health or his or
21 her designee;

22 2. The Chief Executive Officer of the H. Lee Moffitt
23 Cancer Center or his or her designee;

24 3. The President of the University of Florida Shands
25 Cancer Center or his or her designee;

26 4. The Chief Executive Officer of the University of
27 Miami Sylvester Comprehensive Cancer Center or his or her
28 designee;

29 5. The Chief Executive Officer of the Mayo Clinic,
30 Jacksonville or his or her designee;

31 6. The Chief Executive Officer of the American Cancer

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- 1 Society, Florida Division or his or her designee;
2 7. The President of the American Cancer Society,
3 Florida Division Board of Directors or his or her designee;
4 8. The President of the Florida Society of Clinical
5 Oncology or his or her designee;
6 9. The Chief Executive Officer of Enterprise Florida,
7 Inc., or his or her designee;
8 10. Three representatives from large Florida hospitals
9 or institutions, not delineated in subparagraphs 1. through
10 6., that treat a large volume of cancer patients. One shall be
11 appointed by the Governor, one shall be appointed by the
12 Speaker of the House of Representatives, and one shall be
13 appointed by the President of the Senate;
14 11. Three representatives from community-based,
15 statewide organizations serving populations that experience
16 cancer disparities, one of whom shall be appointed by the
17 Governor, one of whom shall be appointed by the Speaker of the
18 House of Representatives, and one of whom shall be appointed
19 by the President of the Senate;
20 12. One member of the Florida House of
21 Representatives, to be appointed by the Speaker of the House
22 of Representatives;
23 13. One member of the Florida Senate, to be appointed
24 by the President of the Senate;
25 14. Three university presidents, one of whom shall be
26 appointed by the Governor, one of whom shall be appointed by
27 the Speaker of the House of Representatives, and one of whom
28 shall be appointed by the President of the Senate; and
29 15. Five representatives from other statewide public
30 health organizations whose missions include public education
31 and the eradication of cancer, three of whom shall be

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1 appointed by the Governor, one of whom shall be appointed by
2 the Speaker of the House of Representatives, and one of whom
3 shall be appointed by the President of the Senate.

4 (d) Appointments made by the Speaker of the House of
5 Representatives and the President of the Senate pursuant to
6 paragraph (c) shall be for 2-year terms, concurrent with the
7 bienniums in which they serve as presiding officers.

8 (e) Appointments made by the Governor pursuant to
9 paragraph (c) shall be for 2-year terms, although the Governor
10 may reappoint directors.

11 (f) Members of the board of directors of the
12 not-for-profit corporation or any subsidiaries shall serve
13 without compensation.

14 (3) The cooperative shall issue an annual report to
15 the Governor, the Speaker of the House of Representatives, and
16 the President of the Senate, by December 15 of each year, with
17 policy and funding recommendations regarding cancer research
18 capacity in Florida and related issues.

19 Section 4. Florida Cancer Research Cooperative;
20 mission and duties.--

21 (1) The cooperative shall develop and centralize the
22 processes and shared services for expanding cancer research in
23 Florida through:

24 (a) Support through bioinformatics, in order to create
25 a cancer informatics infrastructure that enhances information
26 and resource exchange and integration through researchers
27 working in diverse disciplines to facilitate the full spectrum
28 of cancer investigations;

29 (b) Technical coordination, business development, and
30 support of intellectual property;

31 (c) Development of a statewide cancer clinical trials

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1 network as contemplated in section 1; and

2 (d) Other multidisciplinary research support
3 activities.

4 (2) The cooperative shall work in concert with the
5 Center for Universal Research to Eradicate Disease created in
6 section 1 to ensure that the goals of the center are advanced.

7 Section 5. Section 484.0512, Florida Statutes, is
8 amended to read:

9 484.0512 Thirty-day trial period; purchaser's right to
10 cancel; notice; refund; cancellation fee; criminal penalty
11 procedures.--

12 (1) A person selling a hearing aid in this state must
13 provide the buyer with written notice of a 30-day trial period
14 and money-back guarantee. The guarantee must permit the
15 purchaser to cancel the purchase for a valid reason as defined
16 by rule of the board within 30 days after receiving the
17 hearing aid, by returning the hearing aid or mailing written
18 notice of cancellation to the seller. If the hearing aid must
19 be repaired, remade, or adjusted during the 30-day trial
20 period, the running of the 30-day trial period is suspended 1
21 day for each 24-hour period that the hearing aid is not in the
22 purchaser's possession. A repaired, remade, or adjusted
23 hearing aid must be claimed by the purchaser within 3 working
24 days after notification of availability. The running of the
25 30-day trial period resumes on the day the purchaser reclaims
26 the repaired, remade, or adjusted hearing aid or on the fourth
27 day after notification of availability.

28 (2) The board, in consultation with the Board of
29 Speech-Language Pathology and Audiology, shall prescribe by
30 rule the terms and conditions to be contained in the
31 money-back guarantee and any exceptions thereto. Such rule

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1 shall provide, at a minimum, that the charges for earmolds and
2 service provided to fit the hearing aid may be retained by the
3 licensee. The rules shall also set forth any reasonable
4 charges to be held by the licensee as a cancellation fee. Such
5 rule shall be effective on or before December 1, 1994. Should
6 the board fail to adopt such rule, a licensee may not charge a
7 cancellation fee which exceeds 5 percent of the total charge
8 for a hearing aid alone. The terms and conditions of the
9 guarantee, including the total amount available for refund,
10 shall be provided in writing to the purchaser prior to the
11 signing of the contract.

12 (3) Within 30 days after the return or attempted
13 return of the hearing aid, the seller shall refund all moneys
14 that must be refunded to a purchaser pursuant to this section.
15 A violation of this subsection is a misdemeanor of the first
16 degree, punishable as provided in s. 775.082 or s. 775.083.

17 (4) For purposes of this section, the term "seller" or
18 "person selling a hearing aid" includes:

19 (a) Any natural person licensed under this part or any
20 other natural person who signs a sales receipt required by s.
21 484.051(2) or s. 468.1245(2) or who otherwise fits, delivers,
22 or dispenses a hearing aid.

23 (b) Any business organization, whether a sole
24 proprietorship, partnership, corporation, professional
25 association, joint venture, business trust, or other legal
26 entity, which dispenses a hearing aid or enters into an
27 agreement to dispense a hearing aid.

28 (c) Any person who controls, manages, or operates an
29 establishment or business that dispenses a hearing aid or
30 enters into an agreement to dispense a hearing aid.

31 Section 6. Effective upon this act becoming a law,

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1 subsection (1) of section 456.073, Florida Statutes, is
2 amended to read:

3 456.073 Disciplinary proceedings.--Disciplinary
4 proceedings for each board shall be within the jurisdiction of
5 the department.

6 (1) The department, for the boards under its
7 jurisdiction, shall cause to be investigated any complaint
8 that is filed before it if the complaint is in writing, signed
9 by the complainant, and legally sufficient. A complaint filed
10 by a state prisoner against a health care practitioner
11 employed by or otherwise providing health care services within
12 a facility of the Department of Corrections is not legally
13 sufficient unless there is a showing that the prisoner
14 complainant has exhausted all available administrative
15 remedies within the state correctional system before filing
16 the complaint. However, if the department determines after a
17 preliminary inquiry of a state prisoner's complaint, that the
18 practitioner may present a serious threat to the health and
19 safety of any individual who is not a state prisoner, the
20 department may determine legal sufficiency and proceed with
21 discipline. The Department of Health shall be notified within
22 15 days whenever the Department of Corrections disciplines or
23 allows a health care practitioner to resign for an offense
24 related to the practice of his or her profession. A complaint
25 is legally sufficient if it contains ultimate facts that show
26 that a violation of this chapter, of any of the practice acts
27 relating to the professions regulated by the department, or of
28 any rule adopted by the department or a regulatory board in
29 the department has occurred. In order to determine legal
30 sufficiency, the department may require supporting information
31 or documentation. The department may investigate, and the

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1 department or the appropriate board may take appropriate final
2 action on, a complaint even though the original complainant
3 withdraws it or otherwise indicates a desire not to cause the
4 complaint to be investigated or prosecuted to completion. The
5 department may investigate an anonymous complaint if the
6 complaint is in writing and is legally sufficient, if the
7 alleged violation of law or rules is substantial, and if the
8 department has reason to believe, after preliminary inquiry,
9 that the violations alleged in the complaint are true. The
10 department may investigate a complaint made by a confidential
11 informant if the complaint is legally sufficient, if the
12 alleged violation of law or rule is substantial, and if the
13 department has reason to believe, after preliminary inquiry,
14 that the allegations of the complainant are true. The
15 department may initiate an investigation if it has reasonable
16 cause to believe that a licensee or a group of licensees has
17 violated a Florida statute, a rule of the department, or a
18 rule of a board. Except as provided in ss. 458.331(9),
19 459.015(9), 460.413(5), and 461.013(6), when an investigation
20 of any subject is undertaken, the department shall promptly
21 furnish to the subject or the subject's attorney a copy of the
22 complaint or document that resulted in the initiation of the
23 investigation. The subject may submit a written response to
24 the information contained in such complaint or document within
25 20 days after service to the subject of the complaint or
26 document. The subject's written response shall be considered
27 by the probable cause panel. The right to respond does not
28 prohibit the issuance of a summary emergency order if
29 necessary to protect the public. However, if the secretary, or
30 the secretary's designee, and the chair of the respective
31 board or the chair of its probable cause panel agree in

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1 writing that such notification would be detrimental to the
2 investigation, the department may withhold notification. The
3 department may conduct an investigation without notification
4 to any subject if the act under investigation is a criminal
5 offense.

6 Section 7. (1) The Division of Medical Quality
7 Assurance of the Department of Health shall conduct a study of
8 clinical and academic training requirements of certified
9 optometric practitioners, licensed pursuant to chapter 463,
10 Florida Statutes, to determine the extent to which prescribing
11 authority may be expanded. The study group shall be composed
12 of the following members:

13 (a) One pharmacologist representing the University of
14 Florida;

15 (b) One pharmacologist representing Nova Southeastern
16 University;

17 (c) One pharmacologist representing Florida
18 Agricultural and Mechanical University;

19 (d) One ophthalmologist representing Mayo Clinic
20 Jacksonville;

21 (e) One ophthalmologist representing Bascom Palmer Eye
22 Institute;

23 (f) One board-certified internist appointed by the
24 University of South Florida;

25 (g) One optometrist representing the Florida Board of
26 Optometry;

27 (h) One certified optometric practitioner representing
28 the Florida Optometric Association; and

29 (i) One certified optometric practitioner appointed by
30 the Nova Southeastern University College of Optometry.

31 (2) The study group shall be chaired by the Secretary

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1 of Health or his or her designee. The study shall be completed
2 and a final report presented to the Governor, the President of
3 the Senate, and the Speaker of the House of Representatives by
4 January 15, 2004. If applicable, a minority report shall be
5 completed and presented to the Governor, the President of the
6 Senate, and the Speaker of the House of Representatives by
7 January 31, 2004.

8 (3) This section shall take effect upon becoming a
9 law.

10 Section 8. Present subsection (4) of section 465.0265,
11 Florida Statutes, is redesignated as subsection (5), and a new
12 subsection (4) is added to that section, to read:

13 465.0265 Centralized prescription filling.--

14 (4) Pharmacies accessing the same prescription records
15 in a centralized database or pharmacy computers linked in any
16 other manner may refill or dispense prescriptions at the
17 request of another pharmacy so linked if the pharmacies have
18 the same owner or have a written contract specifying the
19 services to be provided by each pharmacy, the responsibilities
20 of each pharmacy, and the manner in which the pharmacies will
21 comply with federal and state laws and rules. Prescriptions
22 refilled or dispensed using such a system shall not be
23 considered prescription transfers or copies if the computer
24 system registers a complete and full audit trail of all
25 activities and includes the identification of the pharmacies
26 and pharmacists accessing the centralized database and if the
27 system restricts access to the computerized prescription
28 records to pharmacies or other authorized personnel.

29 Section 9. Subsection (2) of section 466.006, Florida
30 Statutes, is amended to read:

31 466.006 Examination of dentists.--

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1 (2) An applicant shall be entitled to take the
2 examinations required in this section to practice dentistry in
3 this state if the applicant:

4 (a) Is 18 years of age or older.

5 (b)1. Is a graduate of a dental school accredited by
6 the Commission on Accreditation of the American Dental
7 Association or its successor agency, if any, or any other
8 nationally recognized accrediting agency; ~~or-~~

9 2. Is a dental student in the final year of a program
10 at such an accredited school who has completed all the
11 coursework necessary to prepare the student to perform the
12 clinical and diagnostic procedures required to pass the
13 examinations. With respect to a dental student in the final
14 year of a program at a dental school, a passing score on the
15 examinations is valid for 180 days after the date the
16 examinations were completed. A dental school student who takes
17 the licensure examinations during the student's final year of
18 an approved dental school must have graduated before being
19 certified for licensure pursuant to s. 466.011.

20 (c) Has successfully completed the National Board of
21 Dental Examiners dental examination within 10 years of the
22 date of application.

23 Section 10. Section 466.0065, Florida Statutes, is
24 created to read:

25 466.0065 Regional licensure examinations.--

26 (1) It is the intent of the Legislature that schools
27 of dentistry be allowed to offer regional licensure
28 examinations to dental students who are in the final year of a
29 program at an approved dental school for the sole purpose of
30 facilitating the student's licensing in other jurisdictions.
31 This section does not allow a person to be licensed as a

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1 dentist in this state without taking the examinations as set
2 forth in s. 466.006, nor does this section mean that regional
3 examinations administered under this section may be
4 substituted for complying with testing requirements under s.
5 466.006.

6 (2) Each school of dentistry in this state which is
7 accredited by the Commission on Accreditation of the American
8 Dental Association or its successor agency may, upon written
9 approval by the Board of Dentistry, offer regional licensure
10 examinations only to dental students in the final year of a
11 program at an approved dental school, if the board has
12 approved the hosting school's written plan to comply with the
13 following conditions:

14 (a) The examining body must be a member of the
15 American Association of Dental Examiners.

16 (b) The student must have successfully completed parts
17 I and II of the National Board of Dental Examiners examination
18 within 2 years before taking the regional examination.

19 (c) The student must possess medical malpractice
20 insurance in amounts that the board determines to be
21 sufficient to cover any reasonably foreseeable incident of harm
22 to a patient during the clinical portion of the regional
23 examination.

24 (d) At least one of the examination monitors must be a
25 dentist licensed in this state who has completed all necessary
26 standardization exercises required by the regional examination
27 body.

28 (e) Adequate arrangements must be made, when
29 necessary, for patients who require followup care as a result
30 of procedures performed during the clinical portion of the
31 regional examination.

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1 (f) The board chair or the chair's designee must be
2 allowed to observe testing while it is in progress.

3 (g) Each student, upon applying to take the regional
4 examination, must receive written disclosure in at least
5 12-point boldface type which states: "This examination does
6 not meet the licensure requirements of chapter 466, Florida
7 Statutes, for licensure in the State of Florida. Persons
8 wishing to practice dentistry in Florida must pass the Florida
9 licensure examinations. For more information on Florida's
10 licensure examination procedures, please contact the Florida
11 Board of Dentistry."

12 (h) The student must be enrolled as a dental student
13 in the student's final year of a program at an approved dental
14 school that is accredited by the Commission on Accreditation
15 of the American Dental Association or its successor agency.

16 (i) The student must have completed all the coursework
17 necessary to prepare the student to perform all clinical and
18 diagnostic procedures required to pass the regional
19 examination.

20 (j) The student's academic record must not include any
21 evidence suggesting that the student poses an unreasonable
22 risk to any live patients who are required for the clinical
23 portion of the regional examination. In order to protect the
24 health and safety of the public, the board may request
25 additional information and documents pertaining to the
26 candidate's mental and physical health in order to fully
27 assess the candidate's fitness to engage in exercises
28 involving a live patient.

29 (3) A student who takes the examination pursuant to
30 this section, a dental school that submits a plan pursuant to
31 this section, or a regional examination body that a dental

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1 school proposes to host under this section does not have
2 standing to assert that a state agency has taken action for
3 which a hearing may be sought under ss. 120.569 and 120.57.

4 Section 11. This act may be cited as the "Nick Oelrich
5 Gift of Life Act."

6 Section 12. Subsections (1), (2), and (6) of section
7 765.512, Florida Statutes, are amended to read:

8 765.512 Persons who may make an anatomical gift.--

9 (1) Any person who may make a will may give all or
10 part of his or her body for any purpose specified in s.
11 765.510, the gift to take effect upon death. An anatomical
12 gift made by an adult donor and not revoked by the donor as
13 provided in s. 765.516 is irrevocable ~~and does not require the~~
14 ~~consent or concurrence of any person~~ after the donor's death.
15 A family member, guardian, representative ad litem, or health
16 care surrogate of an adult donor who has made an anatomical
17 gift pursuant to subsection (2) may not modify, deny or
18 prevent a donor's wish or intent to make an anatomical gift
19 from being made after the donor's death.

20 (2) If the decedent has executed an agreement
21 concerning an anatomical gift, ~~by including~~ signing an organ
22 and tissue donor card, by expressing his or her wish to donate
23 in a living will or advance directive, or by signifying his or
24 her intent to donate on his or her driver's license or in some
25 other written form has indicated his or her wish to make an
26 anatomical gift, and in the absence of actual notice of
27 contrary indications by the decedent, the document is evidence
28 of legally sufficient informed consent to donate an anatomical
29 gift and is legally binding. Any surrogate designated by the
30 decedent pursuant to part II of this chapter may give all or
31 any part of the decedent's body for any purpose specified in

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1 s. 765.510.

2 (6) A gift of all or part of a body authorizes:

3 (a) Any examination necessary to assure medical
4 acceptability of the gift for the purposes intended.

5 (b) The decedent's medical provider, family, or a
6 third party to furnish medical records requested concerning
7 the decedent's medical and social history.

8 Section 13. Section 765.516, Florida Statutes, is
9 amended to read:

10 765.516 Amendment of the terms of or the revocation of
11 the gift.--

12 (1) A donor may amend the terms of or revoke an
13 anatomical gift by:

14 (a) The execution and delivery to the donee of a
15 signed statement.

16 (b) An oral statement that is+

17 ~~1. Made to the donor's spouse; or~~

18 ~~2. made in the presence of two persons, one of whom~~
19 ~~must not be a family member, and communicated to the donor's~~
20 ~~family or attorney or to the donee.~~

21 (c) A statement during a terminal illness or injury
22 addressed to an attending physician, who must communicate the
23 revocation of the gift to the procurement organization that is
24 certified by the state.

25 (d) A signed document found on or about the donor's
26 person ~~or in the donor's effects.~~

27 (2) Any gift made by a will may also be amended or
28 revoked in the manner provided for amendment or revocation of
29 wills or as provided in subsection (1).

30 Section 14. Subsection (1) of section 765.401, Florida
31 Statutes, is amended to read:

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1 765.401 The proxy.--

2 (1) If an incapacitated or developmentally disabled
3 patient has not executed an advance directive, or designated a
4 surrogate to execute an advance directive, or the designated
5 or alternate surrogate is no longer available to make health
6 care decisions, health care decisions may be made for the
7 patient by any of the following individuals, in the following
8 order of priority, if no individual in a prior class is
9 reasonably available, willing, or competent to act:

10 (a) The judicially appointed guardian of the patient
11 or the guardian advocate of the person having a developmental
12 disability as defined in s. 393.063, who has been authorized
13 to consent to medical treatment, if such guardian has
14 previously been appointed; however, this paragraph shall not
15 be construed to require such appointment before a treatment
16 decision can be made under this subsection;

17 (b) The patient's spouse;

18 (c) An adult child of the patient, or if the patient
19 has more than one adult child, a majority of the adult
20 children who are reasonably available for consultation;

21 (d) A parent of the patient;

22 (e) The adult sibling of the patient or, if the
23 patient has more than one sibling, a majority of the adult
24 siblings who are reasonably available for consultation;

25 (f) An adult relative of the patient who has exhibited
26 special care and concern for the patient and who has
27 maintained regular contact with the patient and who is
28 familiar with the patient's activities, health, and religious
29 or moral beliefs; ~~or~~

30 (g) A close friend of the patient; ~~or~~

31 (h) A clinical social worker licensed pursuant to

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1 chapter 491, or a graduate of a court-approved guardianship
2 program. Such a proxy must be selected by the provider's
3 bioethics committee and must not be employed by the provider.
4 If the provider does not have a bioethics committee, then such
5 a proxy may be chosen through an arrangement with the
6 bioethics committee of another provider. The proxy must be
7 notified that upon request the provider shall make available a
8 second physician, not involved in the patient's care, to
9 assist the proxy in evaluating treatment. Decisions to
10 withhold or withdraw life-prolonging procedures must be
11 reviewed by the facility's bioethics committee. Documentation
12 of efforts to locate proxies from prior classes must be
13 recorded in the patient record.

14 Section 15. Subsection (22) is added to section
15 641.19, Florida Statutes, to read:

16 641.19 Definitions.--As used in this part, the term:
17 (22) "Specialty" does not include services performed
18 by a chiropractic physician licensed under chapter 460.

19
20 (Redesignate subsequent sections.)

21
22
23 ===== T I T L E A M E N D M E N T =====

24 And the title is amended as follows:

25 On page 1, line 2, delete that line

26
27 and insert:

28 An act relating to health care; creating the
29 James and Esther King Center for Universal
30 Research to Eradicate Disease; providing intent
31 and duties; creating an advisory council;

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1 amending s. 215.5602, F.S.; expanding the
2 long-term goals and funding of the Florida
3 Biomedical Research Program to include the cure
4 of specified diseases; creating the Florida
5 Cancer Research Cooperative; providing for a
6 board of directors; providing the cooperative's
7 mission and duties; amending s. 484.0512, F.S.;
8 providing a criminal penalty for failure of a
9 seller to refund within a specified time moneys
10 required to be refunded to a purchaser for the
11 return or attempted return of a hearing aid;
12 providing a definition; amending s. 456.073,
13 F.S.; providing that a state prisoner must
14 exhaust all available administrative remedies
15 before filing a complaint with the Department
16 of Health against a health care practitioner
17 who is providing health care services within
18 the Department of Corrections, unless the
19 practitioner poses a serious threat to the
20 health or safety of a person who is not a state
21 prisoner; requiring the Department of Health to
22 be notified if a health care practitioner is
23 disciplined or allowed to resign for a
24 practice-related offense; requiring the
25 Division of Medical Quality Assurance of the
26 Department of Health to conduct a study of
27 clinical and academic training requirements of
28 certified optometric practitioners; providing
29 for appointment of members; requiring a report
30 to be submitted to the Governor and
31 Legislature; amending s. 465.0265, F.S.;

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1 providing requirements for the filing of
2 prescriptions by pharmacies that are under
3 common ownership or that have a contractual
4 relationship with one another; specifying
5 requirements for exceptions to prescription
6 transfers between certain pharmacies; amending
7 s. 466.006, F.S.; allowing certain dental
8 students to take the examinations required to
9 practice dentistry in this state under
10 specified conditions; providing a prerequisite
11 to licensure of such students; creating s.
12 466.0065, F.S.; allowing certain dental
13 students to take regional licensure
14 examinations under specified conditions;
15 restricting the applicability of examination
16 results to licensing in other jurisdictions;
17 requiring approval by the Board of Dentistry
18 and providing prerequisites to such approval;
19 creating the "Nick Oelrich Gift of Life Act";
20 amending s. 765.512, F.S., relating to
21 anatomical gifts; prohibiting modification of a
22 donor's intent; providing that a donor document
23 is legally binding; authorizing specified
24 persons to furnish a donor's medical records
25 upon request; amending s. 765.516, F.S.;
26 revising procedures by which the terms of an
27 anatomical gift may be amended or the gift may
28 be revoked; amending s. 765.401, F.S.;
29 providing additional persons who may be given a
30 proxy for the making of health care decisions;
31 requiring review by the facility's bioethics

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1 committee of decisions to withhold or withdraw
2 life-prolonging procedures; requiring
3 documentation of efforts to locate certain
4 proxies; amending s. 641.19, F.S.; providing
5 that the term "speciality" does not include the
6 services of a licensed chiropractic physician
7 for purposes of the regulation of managed care;

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