

1                                   A bill to be entitled  
 2           An act relating to immunization services; creating s.  
 3           288.9416, F.S.; providing legislative findings and intent;  
 4           creating the Commission on the Study of Biotechnology  
 5           Competitiveness within the Office of Tourism, Trade, and  
 6           Economic Development; providing for staff support by the  
 7           Office of Tourism, Trade, and Economic Development;  
 8           providing for the appointment of members; requiring the  
 9           commission to conduct a study; providing requirements for  
 10          the study; requiring the commission to submit a report to  
 11          the Governor, the President of the Senate, and the Speaker  
 12          of the House of Representatives; amending s. 465.003,  
 13          F.S.; revising a definition; creating s. 465.189, F.S.;  
 14          authorizing pharmacists to administer influenza virus  
 15          immunizations to adults; providing requirements with  
 16          respect thereto; authorizing the State Surgeon General to  
 17          develop a list of additional immunizations that may be  
 18          administered by pharmacists; providing an effective date.

19  
 20 Be It Enacted by the Legislature of the State of Florida:

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 22           Section 1. Section 288.9416, Florida Statutes, is created  
 23 to read:

24           288.9416 Commission on the Study of Biotechnology  
 25 Competitiveness; creation; organization.--

26           (1) The Legislature finds that an estimated twenty  
 27 diseases can be cured through immunizations and that  
 28 immunizations, when provided early in a child's life and as

29 scheduled during adolescence and adulthood, provide a strong  
30 foundation of disease prevention and overall health. The  
31 Legislature further finds that every dollar spent on  
32 immunizations saves an average of \$10 in future disease-related  
33 health care costs. The Legislature recognizes that immunization  
34 education and disease awareness programs lead to improved  
35 vaccine usage and better health outcomes. The Legislature  
36 further acknowledges that rapid immunization distribution is an  
37 important factor in managing the containment of disease under  
38 normal circumstances and is of vital importance during mass  
39 outbreaks of diseases or natural disasters. The Legislature  
40 recognizes that the threat of bioterrorism, pandemic influenza,  
41 or some other disaster of widespread proportion exists in our  
42 world today and that vaccines and health care services are  
43 essential combatants against these threats.

44 (2) The Legislature recognizes that both the manufacturing  
45 and the distribution of immunizations are enhanced by siting  
46 vaccine manufacturing corporations in the state. Additionally,  
47 the Legislature acknowledges that the state's efforts through  
48 existing biotechnology research funded through the various  
49 research programs in the state, including the James and Esther  
50 King Biomedical Research Program, the William G. "Bill"  
51 Bankhead, Jr., and David Coley Cancer Research Program, the  
52 Johnnie B. Byrd, Sr., Alzheimer's Center and Research Institute,  
53 the Scripps Florida Funding Corporation, and high-impact  
54 performance grants that are targeted toward developing and  
55 expanding the biotechnology industry in the state result in the  
56 expansion of the state's biotechnology research capacity and

57 create biotechnology manufacturing and distribution jobs in the  
58 state. The Legislature finds that the current and future  
59 collaboration among the state's university researchers and  
60 private and public research entities creates a robust  
61 opportunity to encourage biotechnology research, manufacturing,  
62 and distribution of vaccines.

63 (3) It is the intent of the Legislature that the state  
64 strive to become the nation's leader in immunizations and commit  
65 itself to encouraging companies to relocate to this state to  
66 help achieve this goal. Moreover, it is the intent of the  
67 Legislature to expand the state's economy by attracting  
68 biotechnology manufacturing companies to the state.

69 (4) There is created within the Office of Tourism, Trade,  
70 and Economic Development the Commission on the Study of  
71 Biotechnology Competitiveness. The office shall provide support  
72 for the study using internal staff or through a contracted  
73 consultant.

74 (a) The commission shall consist of 17 members appointed  
75 as follows:

76 1. The Governor shall appoint seven members: one member  
77 from the Office of Tourism, Trade, and Economic Development; the  
78 State Surgeon General, or his or her designee; one member from  
79 the Department of Education with expertise in workforce  
80 education; one member from the Agency for Workforce Innovation  
81 with expertise in workforce readiness; one member from the  
82 Florida Research Consortium with training and experience in  
83 technology transfer; one member representing the Medical Device  
84 Manufacturers Association; and one member from Enterprise

85 Florida, Inc.

86 2. The Speaker of the House of Representatives shall  
87 appoint five members: one member representing the Scripps  
88 Research Institute; one member representing BioFlorida; one  
89 member representing the state's water management districts; one  
90 member representing a local economic development authority; and  
91 one member representing the Board of Governors.

92 3. The President of the Senate shall appoint five members:  
93 one member representing the Torrey Pines Institute for Molecular  
94 Studies; one member representing the Burnham Institute for  
95 Medical Research; one member representing an established  
96 biotechnology company that has sited a manufacturing or  
97 distribution facility outside the state in the last 12 months;  
98 one member who is a site selection consultant who has worked  
99 with biotechnology companies in the siting of manufacturing and  
100 distribution facilities in other states; and one member  
101 representing the Florida Public Health Foundation, Inc.

102 (b) In making appointments to the commission, the  
103 Governor, the President of the Senate, and the Speaker of the  
104 House of Representatives shall select members who reflect the  
105 diversity of the state's population. One member shall be  
106 designated by the Governor as chair of the commission.

107 (c) The appointments shall be for 3-year terms, and a  
108 member may not serve more than two consecutive terms.

109 (5) Members of the commission shall meet at least annually  
110 and shall serve without compensation, but may receive  
111 reimbursement as provided in s. 112.061 for travel and other  
112 necessary expenses incurred in the performance of their official

113 duties.

114 (6) The commission shall study economic policies necessary  
115 to ensure that the state is competitive with other states to  
116 attract and retain a biotechnology manufacturing and  
117 distribution workforce. The study shall include, but not be  
118 limited to, the review and analysis of:

119 (a) The state's corporate taxation system and its impact  
120 on attracting biotechnology manufacturing and distribution  
121 facilities to the state. This review shall include, but not be  
122 limited to, implementing a single sales factor formula to  
123 apportion the corporate income of biotechnology businesses for  
124 tax purposes;

125 (b) The state's water policies and their impact on water  
126 needs of the biotechnology manufacturing process;

127 (c) The state's education and workforce training programs  
128 and citizens' preparedness for employment in the biotechnology  
129 manufacturing and distribution fields;

130 (d) The state's Medicaid, state employee health plan, and  
131 private health insurance policies and regulations and the extent  
132 to which they provide support for products generated by  
133 biotechnology companies; and

134 (e) Other states' initiatives that have had success in  
135 attracting and retaining biotechnology manufacturing and  
136 distribution facilities and this state's readiness to compete  
137 with other states.

138 (7) The study required under this section shall provide  
139 recommendations concerning maximizing federal revenues to the  
140 state.

141           (8) The study required under this section shall provide  
 142 recommendations concerning how the state's existing policies and  
 143 programs can be modified to ensure the state's competitiveness  
 144 when evaluated by companies making sighting decisions related to  
 145 biotechnology manufacturing and distribution facilities.

146           (9) The commission shall report the findings of the study  
 147 required under this section to the Governor, the President of  
 148 the Senate, and the Speaker of the House of Representatives by  
 149 January 1, 2009.

150           Section 2. Subsection (13) of section 465.003, Florida  
 151 Statutes, is amended to read:

152           465.003 Definitions.--As used in this chapter, the term:

153           (13) "Practice of the profession of pharmacy" includes  
 154 compounding, dispensing, and consulting concerning contents,  
 155 therapeutic values, and uses of any medicinal drug; consulting  
 156 concerning therapeutic values and interactions of patent or  
 157 proprietary preparations, whether pursuant to prescriptions or  
 158 in the absence and entirely independent of such prescriptions or  
 159 orders; and other pharmaceutical services. For purposes of this  
 160 subsection, "other pharmaceutical services" means the monitoring  
 161 of the patient's drug therapy and assisting the patient in the  
 162 management of his or her drug therapy, and includes review of  
 163 the patient's drug therapy and communication with the patient's  
 164 prescribing health care provider as licensed under chapter 458,  
 165 chapter 459, chapter 461, or chapter 466, or similar statutory  
 166 provision in another jurisdiction, or such provider's agent or  
 167 such other persons as specifically authorized by the patient,  
 168 regarding the drug therapy. However, nothing in this subsection

169 may be interpreted to permit an alteration of a prescriber's  
 170 directions, the diagnosis or treatment of any disease, the  
 171 initiation of any drug therapy, the practice of medicine, or the  
 172 practice of osteopathic medicine, unless otherwise permitted by  
 173 law. "Practice of the profession of pharmacy" also includes any  
 174 other act, service, operation, research, or transaction  
 175 incidental to, or forming a part of, any of the foregoing acts,  
 176 requiring, involving, or employing the science or art of any  
 177 branch of the pharmaceutical profession, study, or training, and  
 178 shall expressly permit a pharmacist to transmit information from  
 179 persons authorized to prescribe medicinal drugs to their  
 180 patients. "Practice of the profession of pharmacy" also includes  
 181 the administration to adults of influenza virus immunizations  
 182 under s. 465.189.

183 Section 3. Section 465.189, Florida Statutes, is created  
 184 to read:

185 465.189 Administration of influenza virus immunizations.--

186 (1) Pharmacists may administer influenza virus  
 187 immunizations to adults within the framework of an established  
 188 protocol under a supervisory practitioner who is a physician  
 189 licensed under chapter 458 or chapter 459 or by written  
 190 agreement with a county health department. Each protocol shall  
 191 contain specific procedures for addressing any unforeseen  
 192 allergic reaction to influenza virus immunizations.

193 (2) A pharmacist may not enter into a protocol unless he  
 194 or she maintains at least \$200,000 of professional liability  
 195 insurance and until he or she has completed training in  
 196 influenza virus immunizations as provided in this section.

197       (3) A pharmacist administering influenza virus  
 198 immunizations shall maintain and make available patient records  
 199 using the same standards for confidentiality and maintenance of  
 200 such records as those that are imposed on health care  
 201 practitioners under s. 456.057. These records shall be  
 202 maintained for a minimum of 5 years.

203       (4) The decision by a supervisory practitioner to enter  
 204 into a protocol under this section is a professional decision of  
 205 the practitioner, and a person may not interfere with a  
 206 supervisory practitioner's decision as to whether to enter into  
 207 such a protocol. A pharmacist may not enter into a protocol that  
 208 is to be performed while acting as an employee without the  
 209 written approval of the owner of the pharmacy. Pharmacists shall  
 210 forward immunization records to the Department of Health for  
 211 inclusion in the state registry of immunization information.

212       (5) Any pharmacist seeking to administer influenza virus  
 213 immunizations to patients under this section shall be certified  
 214 to administer influenza virus immunizations pursuant to a  
 215 certification program approved by the Board of Pharmacy. The  
 216 certification program shall, at a minimum, require that a  
 217 pharmacist attend at least 20 hours of continuing education  
 218 classes approved by the board. The program shall have a  
 219 curriculum of instruction concerning the safe and effective  
 220 administration of influenza virus immunizations, including, but  
 221 not limited to, potential allergic reactions to influenza virus  
 222 immunizations.

223       (6) The pharmacist shall submit to the Board of Pharmacy a  
 224 copy of the protocol or written agreement to administer



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225 | influenza virus immunizations.

226 |       (7) The State Surgeon General may develop a list of  
227 | additional immunizations that may be administered by  
228 | pharmacists.

229 |       Section 4. This act shall take effect July 1, 2007.