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CS/HB 543, Engrossed 1

2007 Legislature

1                                   A bill to be entitled  
 2           An act relating to immunization services; providing a  
 3           short title; amending s. 465.003, F.S.; revising a  
 4           definition relating to the practice of pharmacists;  
 5           creating s. 465.189, F.S.; authorizing pharmacists to  
 6           administer influenza virus immunizations to adults;  
 7           providing requirements with respect thereto; requiring  
 8           that the protocol between a pharmacist and supervising  
 9           physician contain certain information, terms, and  
 10          conditions; requiring that pharmacists authorized to  
 11          administer influenza virus immunizations provide evidence  
 12          of current certification by the Board of Pharmacy to the  
 13          supervising physician; requiring supervising physicians to  
 14          review certain information in accordance with the written  
 15          protocol; creating the Task Force for the Study of Biotech  
 16          Competitiveness; providing for staff support by the  
 17          Governor's Office of Tourism, Trade, and Economic  
 18          Development; providing for appointment of members;  
 19          requiring a study; requiring a report; providing for  
 20          expiration of the task force; providing an effective date.

21  
 22 Be It Enacted by the Legislature of the State of Florida:

23  
 24           Section 1. This act may be cited as the "Pharmacist Kevin  
 25 Coit Memorial Act."

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

28           465.003 Definitions.--As used in this chapter, the term:

## ENROLLED

CS/HB 543, Engrossed 1

2007 Legislature

29           (13) "Practice of the profession of pharmacy" includes  
30    compounding, dispensing, and consulting concerning contents,  
31    therapeutic values, and uses of any medicinal drug; consulting  
32    concerning therapeutic values and interactions of patent or  
33    proprietary preparations, whether pursuant to prescriptions or  
34    in the absence and entirely independent of such prescriptions or  
35    orders; and other pharmaceutical services. For purposes of this  
36    subsection, "other pharmaceutical services" means the monitoring  
37    of the patient's drug therapy and assisting the patient in the  
38    management of his or her drug therapy, and includes review of  
39    the patient's drug therapy and communication with the patient's  
40    prescribing health care provider as licensed under chapter 458,  
41    chapter 459, chapter 461, or chapter 466, or similar statutory  
42    provision in another jurisdiction, or such provider's agent or  
43    such other persons as specifically authorized by the patient,  
44    regarding the drug therapy. However, nothing in this subsection  
45    may be interpreted to permit an alteration of a prescriber's  
46    directions, the diagnosis or treatment of any disease, the  
47    initiation of any drug therapy, the practice of medicine, or the  
48    practice of osteopathic medicine, unless otherwise permitted by  
49    law. "Practice of the profession of pharmacy" also includes any  
50    other act, service, operation, research, or transaction  
51    incidental to, or forming a part of, any of the foregoing acts,  
52    requiring, involving, or employing the science or art of any  
53    branch of the pharmaceutical profession, study, or training, and  
54    shall expressly permit a pharmacist to transmit information from  
55    persons authorized to prescribe medicinal drugs to their  
56    patients. The practice of the profession of pharmacy also

## ENROLLED

CS/HB 543, Engrossed 1

2007 Legislature

57 includes the administration of influenza virus immunizations to  
58 adults pursuant to s. 465.189.

59 Section 3. Section 465.189, Florida Statutes, is created  
60 to read:

61 465.189 Administration of influenza virus immunizations.--

62 (1) Pharmacists may administer influenza virus  
63 immunizations to adults within the framework of an established  
64 protocol under a supervisory practitioner who is a physician  
65 licensed under chapter 458 or chapter 459. Each protocol shall  
66 contain specific procedures for addressing any unforeseen  
67 allergic reaction to influenza virus immunizations.

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

72 (3) A pharmacist administering influenza virus  
73 immunizations shall maintain and make available patient records  
74 using the same standards for confidentiality and maintenance of  
75 such records as those that are imposed on health care  
76 practitioners under s. 456.057. These records shall be  
77 maintained for a minimum of 5 years.

78 (4) The decision by a supervisory practitioner to enter  
79 into a protocol under this section is a professional decision on  
80 the part of the practitioner and a person may not interfere with  
81 a supervisory practitioner's decision as to entering into such a  
82 protocol. A pharmacist may not enter into a protocol that is to  
83 be performed while acting as an employee without the written  
84 approval of the owner of the pharmacy. Pharmacists shall forward

## ENROLLED

CS/HB 543, Engrossed 1

2007 Legislature

85 immunization records to the department for inclusion in the  
86 state registry of immunization information.

87 (5) Any pharmacist seeking to administer influenza virus  
88 immunizations to adults under this section must be certified to  
89 administer influenza virus immunizations pursuant to a  
90 certification program approved by the Board of Pharmacy in  
91 consultation with the Board of Medicine and the Board of  
92 Osteopathic Medicine. The certification program shall, at a  
93 minimum, require that the pharmacist attend at least 20 hours of  
94 continuing education classes approved by the board. The program  
95 shall have a curriculum of instruction concerning the safe and  
96 effective administration of influenza virus immunizations,  
97 including, but not limited to, potential allergic reactions to  
98 influenza virus immunizations.

99 (6) The written protocol between the pharmacist and  
100 supervising physician must include particular terms and  
101 conditions imposed by the supervising physician upon the  
102 pharmacist relating to the administration of influenza virus  
103 immunizations by the pharmacist. The written protocol shall  
104 include, at a minimum, specific categories and conditions among  
105 patients for whom the supervising physician authorizes the  
106 pharmacist to administer influenza virus immunizations. The  
107 terms, scope, and conditions set forth in the written protocol  
108 between the pharmacist and the supervising physician must be  
109 appropriate to the pharmacist's training and certification for  
110 immunization. Pharmacists who have been delegated the authority  
111 to administer influenza virus immunizations by the supervising  
112 physician shall provide evidence of current certification by the

ENROLLED

CS/HB 543, Engrossed 1

2007 Legislature

113 Board of Pharmacy to the supervising physician. Supervising  
 114 physicians shall review the administration of influenza virus  
 115 immunizations by the pharmacists under such physician's  
 116 supervision pursuant to the written protocol, and this review  
 117 shall take place as outlined in the written protocol. The  
 118 process and schedule for the review shall be outlined in the  
 119 written protocol between the pharmacist and the supervising  
 120 physician.

121 (7) The pharmacist shall submit to the Board of Pharmacy a  
 122 copy of his or her protocol or written agreement to administer  
 123 influenza virus immunizations.

124 Section 4. Task Force for the Study of Biotech  
 125 Competitiveness.--

126 (1) INTENT.--

127 (a) The Legislature finds that an estimated 20 diseases  
 128 can be cured through immunizations and that immunizations  
 129 provided early in a child's life, and as scheduled during  
 130 adolescence and adulthood, provide a strong foundation of  
 131 disease prevention and overall health. The Legislature further  
 132 finds that every dollar spent on immunization saves an average  
 133 \$10 in future disease-related health care costs. The Legislature  
 134 recognizes that immunization education and disease-awareness  
 135 programs lead to improved vaccine usage and better health  
 136 outcomes. The Legislature further acknowledges that rapid  
 137 immunization distribution is an important factor in managing the  
 138 containment of diseases under normal circumstances and is of  
 139 vital importance during mass outbreaks of diseases or natural  
 140 disasters. The Legislature further recognizes that the threat of

ENROLLED

CS/HB 543, Engrossed 1

2007 Legislature

141 a bioterrorism, pandemic influenza, or other disaster of  
 142 widespread proportion exists in our world today and that access  
 143 to vaccines and health care services are essential combatants  
 144 against these threats.

145 (b) The Legislature finds that immunization manufacturing  
 146 and distribution is enhanced by siting vaccine manufacturing  
 147 corporations in this state. The Legislature recognizes that the  
 148 state's efforts through existing biotech research funded through  
 149 various state research programs, including the James and Esther  
 150 King Biomedical Research Program, the William G. "Bill"  
 151 Bankhead, Jr., and David Coley Cancer Research Program, the  
 152 Johnnie B. Byrd Senior Alzheimer's Center and Research  
 153 Institute, the Scripps Florida Funding Corporation, and the High  
 154 Impact Performance Incentive grants, which are directed toward  
 155 developing and expanding the state's biotech industry result in  
 156 the expansion of biotech research capacity and create biotech  
 157 manufacturing and distribution jobs in Florida. The Legislature  
 158 further finds that current and future collaboration among the  
 159 state's university researchers and private and public research  
 160 efforts creates a robust opportunity to encourage biotech  
 161 research, manufacturing, and the distribution of vaccines.

162 (c) It is the intent of the Legislature that this state  
 163 strive to become the nation's leader in immunizations and commit  
 164 itself to encouraging companies to locate to Florida to help  
 165 achieve this goal. Moreover, it is the intent of the Legislature  
 166 to expand the state's economy by attracting biotech  
 167 manufacturing companies to Florida.

168 (2) ESTABLISHMENT OF TASK FORCE.--There is created within

ENROLLED

CS/HB 543, Engrossed 1

2007 Legislature

169 the Governor's Office of Tourism, Trade, and Economic  
 170 Development the Task Force on the Study of Biotech  
 171 Competitiveness. The staff shall provide support for the task  
 172 force using internal staff or through a contracted consultant.

173 (3) MEMBERSHIP.--

174 (a) The task force shall consist of 17 members appointed  
 175 as follows:

176 1. The Governor shall appoint seven members: one member  
 177 from the Governor's Office of Tourism, Trade, and Economic  
 178 Development; the Secretary or Surgeon General of the Department  
 179 of Health or her designee; one member from the Department of  
 180 Education having expertise in workforce education; one member  
 181 from the Agency for Workforce Innovation having expertise in  
 182 workforce readiness; one member from the Florida Research  
 183 Consortium having training and experience in technology  
 184 transfer; one member representing the Medical Device  
 185 Manufacturing Association; and one member from Enterprise  
 186 Florida, Inc.

187 2. The Senate President shall appoint five members: one  
 188 member representing the Torrey Pines Research Institute; one  
 189 member representing the Burnham Research Institute; one member  
 190 representing an established biotech company that has sited a  
 191 manufacturing or distribution facility outside Florida in the  
 192 last 12 months; one member who is a site-selection consultant  
 193 who has worked with biotech companies in the sighting of  
 194 manufacturing and distribution facilities in states outside  
 195 Florida; and one member representing the Florida Public Health  
 196 Foundation, Inc.

ENROLLED

CS/HB 543, Engrossed 1

2007 Legislature

197           3. The Speaker of the House of Representatives shall  
 198 appoint five members: one member representing the Scripps  
 199 Research Institute; one member representing BioFlorida; one  
 200 member representing the water management districts; one member  
 201 representing a local economic development authority; and one  
 202 member representing the Board of Governors of the State  
 203 University System.

204           (b) In making these appointments the Governor, the  
 205 President of the Senate, and the Speaker of the House of  
 206 Representatives shall select members who reflect the diversity  
 207 of the state's population. One member shall be designated by the  
 208 Governor as chair of the task force.

209           (c) Members of the task force shall serve without  
 210 compensation, but are entitled to reimbursement as provided in  
 211 s. 112.061, Florida Statutes, for travel and other necessary  
 212 expenses incurred in the performance of their official duties.

213           (4) PURPOSE.--

214           (a) The task force shall study economic policies necessary  
 215 for making Florida competitive with other states in attracting  
 216 and retaining a biotech manufacturing and distribution  
 217 workforce. The study shall include, but not be limited to, the  
 218 following review and analysis:

219           1. The state's corporate taxation system and its effect on  
 220 attracting biotech manufacturing and distribution facilities to  
 221 the state. This review includes, but is not be limited to,  
 222 implementing a single sales-factor formula to apportion the  
 223 corporate income of biotech businesses for tax purposes;

224           2. The state's water policies and their effect on meeting



ENROLLED

CS/HB 543, Engrossed 1

2007 Legislature

225 the water needs of the biotech manufacturing process;  
 226 3. The state's education and workforce training programs  
 227 and workforce preparedness for employment in the biotech  
 228 manufacturing and distribution fields;  
 229 4. The state's Medicaid program, state employee health  
 230 plans, and private health insurance policies and regulations and  
 231 the extent to which they provide support for products generated  
 232 by biotech companies; and  
 233 5. Other states' initiatives that have had success in  
 234 attracting and retaining biotech manufacturing and distribution  
 235 facilities and an evaluation of Florida's readiness to compete  
 236 with other states.  
 237 (b) The study shall provide recommendations concerning  
 238 maximizing federal revenues to the state.  
 239 (c) The study shall provide recommendations concerning how  
 240 this state's existing policies and programs can be modified to  
 241 ensure competitiveness when evaluated by companies making siting  
 242 decisions related to biotech manufacturing and distribution  
 243 facilities.  
 244 (5) REPORT.--The task force shall report the findings of  
 245 the study to the Governor, the President of the Senate, and the  
 246 Speaker of the House of Representatives by January 1, 2009.  
 247 (6) EXPIRATION.--The task force is dissolved June 30,  
 248 2009.  
 249 Section 5. This act shall take effect July 1, 2007.