

20081682er

1
2 An act relating to the Florida Statutes; amending ss.
3 14.20195, 16.615, 39.001, 39.303, 110.205, 112.061,
4 112.3145, 114.04, 120.80, 154.02, 154.04, 154.505,
5 215.5601, 215.5602, 335.067, 377.901, 381.0057, 381.0303,
6 381.0403, 381.4018, 381.7353, 381.78, 381.79, 381.84,
7 381.853, 381.855, 381.86, 381.90, 381.911, 381.912,
8 381.92, 381.922, 381.98, 381.983, 381.984, 381.985,
9 383.14, 383.216, 383.2162, 383.336, 383.402, 385.203,
10 385.210, 388.46, 391.028, 391.221, 391.223, 397.333,
11 400.235, 401.23, 401.245, 401.421, 402.56, 403.862,
12 406.02, 408.916, 409.352, 409.91255, 413.271, 420.622,
13 456.005, 456.011, 456.012, 456.072, 456.073, 456.074,
14 456.076, 457.109, 458.311, 458.313, 458.316, 458.3165,
15 458.331, 458.346, 458.347, 459.0055, 459.015, 459.022,
16 460.413, 461.004, 463.0055, 464.003, 464.018, 464.2085,
17 466.004, 466.028, 467.003, 467.004, 468.1295, 468.1755,
18 468.301, 468.314, 468.354, 468.506, 478.44, 480.042,
19 483.825, 483.901, 484.042, 486.125, 487.041, 490.009,
20 491.009, 499.012, 499.01211, 499.024, 499.065, 500.033,
21 514.0231, 768.1326, 943.0313, and 1004.435, F.S., pursuant
22 to the directive of the Legislature in s. 3, ch. 2007-40,
23 Laws of Florida, to redesignate the Secretary of Health as
24 the State Surgeon General wherever the term appears in the
25 Florida Statutes.

26
27 Be It Enacted by the Legislature of the State of Florida:
28

20081682er

29 Section 1. Paragraph (b) of subsection (2) of section
30 14.20195, Florida Statutes, is amended to read:

31 14.20195 Suicide Prevention Coordinating Council; creation;
32 membership; duties.--There is created within the Statewide Office
33 for Suicide Prevention a Suicide Prevention Coordinating Council.
34 The council shall develop strategies for preventing suicide.

35 (2) MEMBERSHIP.--The Suicide Prevention Coordinating
36 Council shall consist of 28 voting members.

37 (b) The following state officials or their designees shall
38 serve on the coordinating council:

- 39 1. The Secretary of Elderly Affairs.
- 40 2. The State Surgeon General ~~Secretary of Health~~.
- 41 3. The Commissioner of Education.
- 42 4. The Secretary of Health Care Administration.
- 43 5. The Secretary of Juvenile Justice.
- 44 6. The Secretary of Corrections.
- 45 7. The executive director of the Department of Law
46 Enforcement.
- 47 8. The executive director of the Department of Veterans'
48 Affairs.
- 49 9. The Secretary of Children and Family Services.
- 50 10. The director of the Agency for Workforce Innovation.

51 Section 2. Paragraph (e) of subsection (1) of section
52 16.615, Florida Statutes, is amended to read:

53 16.615 Council on the Social Status of Black Men and
54 Boys.--

55 (1) The Council on the Social Status of Black Men and Boys
56 is established within the Department of Legal Affairs and shall
57 consist of 19 members appointed as follows:

20081682er

58 (e) The State Surgeon General ~~Secretary of Health~~ or his or
59 her designee.

60 Section 3. Paragraph (c) of subsection (7) of section
61 39.001, Florida Statutes, is amended to read:

62 39.001 Purposes and intent; personnel standards and
63 screening.--

64 (7) OFFICE OF ADOPTION AND CHILD PROTECTION.--

65 (c) The office is authorized and directed to:

66 1. Oversee the preparation and implementation of the state
67 plan established under subsection (8) and revise and update the
68 state plan as necessary.

69 2. Provide for or make available continuing professional
70 education and training in the prevention of child abuse and
71 neglect.

72 3. Work to secure funding in the form of appropriations,
73 gifts, and grants from the state, the Federal Government, and
74 other public and private sources in order to ensure that
75 sufficient funds are available for the promotion of adoption,
76 support of adoptive families, and child abuse prevention efforts.

77 4. Make recommendations pertaining to agreements or
78 contracts for the establishment and development of:

79 a. Programs and services for the promotion of adoption,
80 support of adoptive families, and prevention of child abuse and
81 neglect.

82 b. Training programs for the prevention of child abuse and
83 neglect.

84 c. Multidisciplinary and discipline-specific training
85 programs for professionals with responsibilities affecting
86 children, young adults, and families.

20081682er

87 d. Efforts to promote adoption.

88 e. Postadoptive services to support adoptive families.

89 5. Monitor, evaluate, and review the development and
90 quality of local and statewide services and programs for the
91 promotion of adoption, support of adoptive families, and
92 prevention of child abuse and neglect and shall publish and
93 distribute an annual report of its findings on or before January
94 1 of each year to the Governor, the Speaker of the House of
95 Representatives, the President of the Senate, the head ~~secretary~~
96 of each state agency affected by the report, and the appropriate
97 substantive committees of the Legislature. The report shall
98 include:

99 a. A summary of the activities of the office.

100 b. A summary of the adoption data collected and reported to
101 the federal Adoption and Foster Care Analysis and Reporting
102 System (AFCARS) and the federal Administration for Children and
103 Families.

104 c. A summary of the child abuse prevention data collected
105 and reported to the National Child Abuse and Neglect Data System
106 (NCANDS) and the federal Administration for Children and
107 Families.

108 d. A summary detailing the timeliness of the adoption
109 process for children adopted from within the child welfare
110 system.

111 e. Recommendations, by state agency, for the further
112 development and improvement of services and programs for the
113 promotion of adoption, support of adoptive families, and
114 prevention of child abuse and neglect.

20081682er

115 f. Budget requests, adoption promotion and support needs,
116 and child abuse prevention program needs by state agency.

117 6. Work with the direct-support organization established
118 under s. 39.0011 to receive financial assistance.

119 Section 4. Section 39.303, Florida Statutes, is amended to
120 read:

121 39.303 Child protection teams; services; eligible
122 cases.--The Children's Medical Services Program in the Department
123 of Health shall develop, maintain, and coordinate the services of
124 one or more multidisciplinary child protection teams in each of
125 the service districts of the Department of Children and Family
126 Services. Such teams may be composed of appropriate
127 representatives of school districts and appropriate health,
128 mental health, social service, legal service, and law enforcement
129 agencies. The Legislature finds that optimal coordination of
130 child protection teams and sexual abuse treatment programs
131 requires collaboration between the Department of Health and the
132 Department of Children and Family Services. The two departments
133 shall maintain an interagency agreement that establishes
134 protocols for oversight and operations of child protection teams
135 and sexual abuse treatment programs. The State Surgeon General
136 ~~Secretary of Health~~ and the Deputy Secretary for Children's
137 Medical Services, in consultation with the Secretary of Children
138 and Family Services, shall maintain the responsibility for the
139 screening, employment, and, if necessary, the termination of
140 child protection team medical directors, at headquarters and in
141 the 15 districts. Child protection team medical directors shall
142 be responsible for oversight of the teams in the districts.

20081682er

143 (1) The Department of Health shall utilize and convene the
144 teams to supplement the assessment and protective supervision
145 activities of the family safety and preservation program of the
146 Department of Children and Family Services. Nothing in this
147 section shall be construed to remove or reduce the duty and
148 responsibility of any person to report pursuant to this chapter
149 all suspected or actual cases of child abuse, abandonment, or
150 neglect or sexual abuse of a child. The role of the teams shall
151 be to support activities of the program and to provide services
152 deemed by the teams to be necessary and appropriate to abused,
153 abandoned, and neglected children upon referral. The specialized
154 diagnostic assessment, evaluation, coordination, consultation,
155 and other supportive services that a child protection team shall
156 be capable of providing include, but are not limited to, the
157 following:

158 (a) Medical diagnosis and evaluation services, including
159 provision or interpretation of X rays and laboratory tests, and
160 related services, as needed, and documentation of findings
161 relative thereto.

162 (b) Telephone consultation services in emergencies and in
163 other situations.

164 (c) Medical evaluation related to abuse, abandonment, or
165 neglect, as defined by policy or rule of the Department of
166 Health.

167 (d) Such psychological and psychiatric diagnosis and
168 evaluation services for the child or the child's parent or
169 parents, legal custodian or custodians, or other caregivers, or
170 any other individual involved in a child abuse, abandonment, or
171 neglect case, as the team may determine to be needed.

20081682er

172 (e) Expert medical, psychological, and related professional
173 testimony in court cases.

174 (f) Case staffings to develop treatment plans for children
175 whose cases have been referred to the team. A child protection
176 team may provide consultation with respect to a child who is
177 alleged or is shown to be abused, abandoned, or neglected, which
178 consultation shall be provided at the request of a representative
179 of the family safety and preservation program or at the request
180 of any other professional involved with a child or the child's
181 parent or parents, legal custodian or custodians, or other
182 caregivers. In every such child protection team case staffing,
183 consultation, or staff activity involving a child, a family
184 safety and preservation program representative shall attend and
185 participate.

186 (g) Case service coordination and assistance, including the
187 location of services available from other public and private
188 agencies in the community.

189 (h) Such training services for program and other employees
190 of the Department of Children and Family Services, employees of
191 the Department of Health, and other medical professionals as is
192 deemed appropriate to enable them to develop and maintain their
193 professional skills and abilities in handling child abuse,
194 abandonment, and neglect cases.

195 (i) Educational and community awareness campaigns on child
196 abuse, abandonment, and neglect in an effort to enable citizens
197 more successfully to prevent, identify, and treat child abuse,
198 abandonment, and neglect in the community.

199 (j) Child protection team assessments that include, as
200 appropriate, medical evaluations, medical consultations, family

20081682er

201 | psychosocial interviews, specialized clinical interviews, or
202 | forensic interviews.

203 |

204 | All medical personnel participating on a child protection team
205 | must successfully complete the required child protection team
206 | training curriculum as set forth in protocols determined by the
207 | Deputy Secretary for Children's Medical Services and the
208 | Statewide Medical Director for Child Protection.

209 | (2) The child abuse, abandonment, and neglect reports that
210 | must be referred by the department to child protection teams of
211 | the Department of Health for an assessment and other appropriate
212 | available support services as set forth in subsection (1) must
213 | include cases involving:

214 | (a) Injuries to the head, bruises to the neck or head,
215 | burns, or fractures in a child of any age.

216 | (b) Bruises anywhere on a child 5 years of age or under.

217 | (c) Any report alleging sexual abuse of a child.

218 | (d) Any sexually transmitted disease in a prepubescent
219 | child.

220 | (e) Reported malnutrition of a child and failure of a child
221 | to thrive.

222 | (f) Reported medical neglect of a child.

223 | (g) Any family in which one or more children have been
224 | pronounced dead on arrival at a hospital or other health care
225 | facility, or have been injured and later died, as a result of
226 | suspected abuse, abandonment, or neglect, when any sibling or
227 | other child remains in the home.

228 | (h) Symptoms of serious emotional problems in a child when
229 | emotional or other abuse, abandonment, or neglect is suspected.

20081682er

230 (3) All abuse and neglect cases transmitted for
231 investigation to a district by the hotline must be simultaneously
232 transmitted to the Department of Health child protection team for
233 review. For the purpose of determining whether face-to-face
234 medical evaluation by a child protection team is necessary, all
235 cases transmitted to the child protection team which meet the
236 criteria in subsection (2) must be timely reviewed by:

237 (a) A physician licensed under chapter 458 or chapter 459
238 who holds board certification in pediatrics and is a member of a
239 child protection team;

240 (b) A physician licensed under chapter 458 or chapter 459
241 who holds board certification in a specialty other than
242 pediatrics, who may complete the review only when working under
243 the direction of a physician licensed under chapter 458 or
244 chapter 459 who holds board certification in pediatrics and is a
245 member of a child protection team;

246 (c) An advanced registered nurse practitioner licensed
247 under chapter 464 who has a speciality in pediatrics or family
248 medicine and is a member of a child protection team;

249 (d) A physician assistant licensed under chapter 458 or
250 chapter 459, who may complete the review only when working under
251 the supervision of a physician licensed under chapter 458 or
252 chapter 459 who holds board certification in pediatrics and is a
253 member of a child protection team; or

254 (e) A registered nurse licensed under chapter 464, who may
255 complete the review only when working under the direct
256 supervision of a physician licensed under chapter 458 or chapter
257 459 who holds certification in pediatrics and is a member of a
258 child protection team.

20081682er

259 (4) A face-to-face medical evaluation by a child protection
260 team is not necessary when:

261 (a) The child was examined for the alleged abuse or neglect
262 by a physician who is not a member of the child protection team,
263 and a consultation between the child protection team board-
264 certified pediatrician, advanced registered nurse practitioner,
265 physician assistant working under the supervision of a child
266 protection team board-certified pediatrician, or registered nurse
267 working under the direct supervision of a child protection team
268 board-certified pediatrician, and the examining physician
269 concludes that a further medical evaluation is unnecessary;

270 (b) The child protective investigator, with supervisory
271 approval, has determined, after conducting a child safety
272 assessment, that there are no indications of injuries as
273 described in paragraphs (2) (a)-(h) as reported; or

274 (c) The child protection team board-certified pediatrician,
275 as authorized in subsection (3), determines that a medical
276 evaluation is not required.

277

278 Notwithstanding paragraphs (a), (b), and (c), a child protection
279 team pediatrician, as authorized in subsection (3), may determine
280 that a face-to-face medical evaluation is necessary.

281 (5) In all instances in which a child protection team is
282 providing certain services to abused, abandoned, or neglected
283 children, other offices and units of the Department of Health,
284 and offices and units of the Department of Children and Family
285 Services, shall avoid duplicating the provision of those
286 services.

20081682er

287 (6) The Department of Health child protection team quality
288 assurance program and the Department of Children and Family
289 Services' Family Safety Program Office quality assurance program
290 shall collaborate to ensure referrals and responses to child
291 abuse, abandonment, and neglect reports are appropriate. Each
292 quality assurance program shall include a review of records in
293 which there are no findings of abuse, abandonment, or neglect,
294 and the findings of these reviews shall be included in each
295 department's quality assurance reports.

296 Section 5. Paragraph (j) of subsection (2) of section
297 110.205, Florida Statutes, is amended to read:

298 110.205 Career service; exemptions.--

299 (2) EXEMPT POSITIONS.--The exempt positions that are not
300 covered by this part include the following:

301 (j) The appointed secretaries and the State Surgeon
302 General, assistant secretaries, deputy secretaries, and deputy
303 assistant secretaries of all departments; the executive
304 directors, assistant executive directors, deputy executive
305 directors, and deputy assistant executive directors of all
306 departments; the directors of all divisions and those positions
307 determined by the department to have managerial responsibilities
308 comparable to such positions, which positions include, but are
309 not limited to, program directors, assistant program directors,
310 district administrators, deputy district administrators, the
311 Director of Central Operations Services of the Department of
312 Children and Family Services, the State Transportation
313 Development Administrator, State Public Transportation and Modal
314 Administrator, district secretaries, district directors of
315 transportation development, transportation operations,

20081682er

316 transportation support, and the managers of the offices specified
317 in s. 20.23(3)(b), of the Department of Transportation. Unless
318 otherwise fixed by law, the department shall set the salary and
319 benefits of these positions in accordance with the rules of the
320 Senior Management Service; and the county health department
321 directors and county health department administrators of the
322 Department of Health.

323 Section 6. Paragraph (h) of subsection (3) of section
324 112.061, Florida Statutes, is amended to read:

325 112.061 Per diem and travel expenses of public officers,
326 employees, and authorized persons.--

327 (3) AUTHORITY TO INCUR TRAVEL EXPENSES.--

328 (h) The State Surgeon General ~~secretary of the Department~~
329 ~~of Health~~ or a designee may authorize travel expenses incidental
330 to the rendering of medical services for and on behalf of clients
331 of the Department of Health. The Department of Health may
332 establish rates lower than the rate provided in this section for
333 these travel expenses.

334 Section 7. Paragraph (b) of subsection (1) of section
335 112.3145, Florida Statutes, is amended to read:

336 112.3145 Disclosure of financial interests and clients
337 represented before agencies.--

338 (1) For purposes of this section, unless the context
339 otherwise requires, the term:

340 (b) "Specified state employee" means:

341 1. Public counsel created by chapter 350, an assistant
342 state attorney, an assistant public defender, a full-time state
343 employee who serves as counsel or assistant counsel to any state
344 agency, the Deputy Chief Judge of Compensation Claims, a judge of

20081682er

345 compensation claims, an administrative law judge, or a hearing
346 officer.

347 2. Any person employed in the office of the Governor or in
348 the office of any member of the Cabinet if that person is exempt
349 from the Career Service System, except persons employed in
350 clerical, secretarial, or similar positions.

351 3. The State Surgeon General or each appointed secretary,
352 assistant secretary, deputy secretary, executive director,
353 assistant executive director, or deputy executive director of
354 each state department, commission, board, or council; unless
355 otherwise provided, the division director, assistant division
356 director, deputy director, bureau chief, and assistant bureau
357 chief of any state department or division; or any person having
358 the power normally conferred upon such persons, by whatever
359 title.

360 4. The superintendent or institute director of a state
361 mental health institute established for training and research in
362 the mental health field or the warden or director of any major
363 state institution or facility established for corrections,
364 training, treatment, or rehabilitation.

365 5. Business managers, purchasing agents having the power to
366 make any purchase exceeding the threshold amount provided for in
367 s. 287.017 for CATEGORY ONE, finance and accounting directors,
368 personnel officers, or grants coordinators for any state agency.

369 6. Any person, other than a legislative assistant exempted
370 by the presiding officer of the house by which the legislative
371 assistant is employed, who is employed in the legislative branch
372 of government, except persons employed in maintenance, clerical,
373 secretarial, or similar positions.

20081682er

374 7. Each employee of the Commission on Ethics.

375 Section 8. Section 114.04, Florida Statutes, is amended to
376 read:

377 114.04 Filling vacancies.--Except as otherwise provided in
378 the State Constitution, the Governor shall fill by appointment
379 any vacancy in a state, district, or county office, other than a
380 member or officer of the Legislature, for the remainder of the
381 term of an appointive officer and for the remainder of the term
382 of an elective office, if there is less than 28 months remaining
383 in the term; otherwise, until the first Tuesday after the first
384 Monday following the next general election. With respect to any
385 office which requires confirmation by the Senate, the person so
386 appointed may hold an ad interim term of office subject to the
387 provisions of s. 114.05. Each secretary or division director of a
388 department of the executive branch, or the State Surgeon General,
389 who is required by law to be appointed by the Governor and
390 confirmed by the Senate shall serve at the pleasure of the
391 Governor, unless otherwise provided by law, and the appointment
392 of such person shall run concurrently with the term of the
393 Governor making the appointment. In the event a Governor is
394 elected to a second term of office pursuant to s. 5, Art. IV of
395 the State Constitution, each secretary or division director, or
396 the State Surgeon General, so appointed shall be reappointed or,
397 at the discretion of the Governor, replaced by a new appointee.
398 Reappointments to the same office shall be subject to
399 confirmation by the Senate as provided in s. 114.05.

400 Section 9. Subsection (15) of section 120.80, Florida
401 Statutes, is amended to read:

402 120.80 Exceptions and special requirements; agencies.--

20081682er

403 (15) DEPARTMENT OF HEALTH.--Notwithstanding s.
404 120.57(1)(a), formal hearings may not be conducted by the State
405 Surgeon General ~~Secretary of Health~~, the Secretary of Health Care
406 Administration, or a board or member of a board within the
407 Department of Health or the Agency for Health Care Administration
408 for matters relating to the regulation of professions, as defined
409 by chapter 456. Notwithstanding s. 120.57(1)(a), hearings
410 conducted within the Department of Health in execution of the
411 Special Supplemental Nutrition Program for Women, Infants, and
412 Children; Child Care Food Program; Children's Medical Services
413 Program; the Brain and Spinal Cord Injury Program; and the
414 exemption from disqualification reviews for certified nurse
415 assistants program need not be conducted by an administrative law
416 judge assigned by the division. The Department of Health may
417 contract with the Department of Children and Family Services for
418 a hearing officer in these matters.

419 Section 10. Paragraph (c) of subsection (5) of section
420 154.02, Florida Statutes, is amended to read:

421 154.02 County Health Department Trust Fund.--

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

423 (c) A fixed capital outlay reserve for nonrecurring
424 expenses that are needed for the renovation and expansion of
425 facilities, and for the construction of new and replacement
426 facilities identified by the Department of Health in conjunction
427 with the board of county commissioners in their annual state-
428 county contract and approved by the State Surgeon General
429 ~~secretary of the department~~. These funds may not be used for
430 construction projects unless there is a specific appropriation
431 included in the General Appropriations Act for this purpose.

20081682er

432 Section 11. Paragraph (b) of subsection (1) of section
433 154.04, Florida Statutes, is amended to read:

434 154.04 Personnel of county health departments; duties;
435 compensation.--

436 (1)

437 (b) The county health department director shall be a
438 physician licensed under chapter 458 or chapter 459 who is
439 trained in public health administration and shall be appointed by
440 the State Surgeon General ~~Secretary of Health~~ after the
441 concurrence of the boards of county commissioners of the
442 respective counties. A county health department administrator
443 trained in public health administration may be appointed by the
444 State Surgeon General ~~Secretary of Health~~ after the concurrence
445 of the boards of county commissioners of the respective counties.

446 Section 12. Subsection (2) of section 154.505, Florida
447 Statutes, is amended to read:

448 154.505 Proposals; application process; minimum
449 requirements.--

450 (2) Applications shall be competitively reviewed by an
451 independent panel appointed by the State Surgeon General
452 ~~secretary of the department~~. This panel shall determine the
453 relative weight for scoring and evaluating each of the following
454 elements to be used in the evaluation process:

455 (a) The target population to be served.

456 (b) The health benefits to be provided.

457 (c) The proposed service network, including specific health
458 care providers and health care facilities that will participate
459 in the service network on a paid or voluntary basis.

20081682er

460 (d) The methods that will be used to measure cost-
461 effectiveness.

462 (e) How patient and provider satisfaction will be measured.

463 (f) The proposed internal quality assurance process.

464 (g) Projected health status outcomes.

465 (h) The way in which data to measure the cost-
466 effectiveness, outcomes, and overall performance of the program
467 will be collected, including a description of the proposed
468 information system.

469 (i) All local resources, including cash, in-kind,
470 voluntary, or other resources, that will be dedicated to the
471 proposal.

472 Section 13. Paragraph (c) of subsection (5) and paragraph
473 (b) of subsection (6) of section 215.5601, Florida Statutes, are
474 amended to read:

475 215.5601 Lawton Chiles Endowment Fund.--

476 (5) AVAILABILITY OF FUNDS; USES.--

477 (c) The secretaries of the state agencies and the State
478 Surgeon General shall conduct meetings to discuss priorities for
479 endowment funding for health and human services programs for
480 children and elders before submitting their legislative budget
481 requests to the Executive Office of the Governor and the
482 Legislature. The purpose of the meetings is to gain consensus for
483 priority requests and recommended endowment funding levels for
484 those priority requests. No later than September 1 of each year,
485 the secretaries of the state agencies and the State Surgeon
486 General shall also submit their consensus priority requests to
487 the Lawton Chiles Endowment Fund Advisory Council created in
488 subsection (6).

20081682er

489 (6) ADVISORY COUNCIL.--The Lawton Chiles Endowment Fund
490 Advisory Council is established for the purpose of reviewing the
491 funding priorities of the state agencies, evaluating their
492 requests against the mission and goals of the agencies and
493 legislative intent for the use of endowment funds, and allowing
494 for public input and advocacy.

495 (b) Before November 1 of each year, the advisory council
496 shall advise the Governor and the Legislature as to its
497 recommendations with respect to the priorities submitted by the
498 secretaries of the state agencies and the State Surgeon General
499 with respect to endowment funding for health and human services
500 programs for children and elders. The responsibilities of the
501 advisory council include:

502 1. Evaluating the value of programs and services submitted
503 by the state agencies as they relate to the overall enhancement
504 of services to children and elders;

505 2. Developing criteria and guiding principles for ranking
506 the priorities submitted by the state agencies;

507 3. Providing recommendations with respect to funding levels
508 for the programs ranked by the advisory council;

509 4. Participating in periodic evaluation of programs funded
510 by the endowment to determine the need for continued funding; and

511 5. Soliciting input from child and elder advocacy
512 organizations, community stakeholders, providers, and the public
513 with respect to statewide child and elder needs and the
514 effectiveness of program service delivery systems.

515 Section 14. Subsection (4), paragraph (b) of subsection
516 (5), and subsections (6) and (10) of section 215.5602, Florida
517 Statutes, are amended to read:

20081682er

518 215.5602 James and Esther King Biomedical Research
519 Program.--

520 (4) The council shall advise the State Surgeon General
521 ~~Secretary of Health~~ as to the direction and scope of the
522 biomedical research program. The responsibilities of the council
523 may include, but are not limited to:

524 (a) Providing advice on program priorities and emphases.

525 (b) Providing advice on the overall program budget.

526 (c) Participating in periodic program evaluation.

527 (d) Assisting in the development of guidelines to ensure
528 fairness, neutrality, and adherence to the principles of merit
529 and quality in the conduct of the program.

530 (e) Assisting in the development of appropriate linkages to
531 nonacademic entities, such as voluntary organizations, health
532 care delivery institutions, industry, government agencies, and
533 public officials.

534 (f) Developing criteria and standards for the award of
535 research grants.

536 (g) Developing administrative procedures relating to
537 solicitation, review, and award of research grants and
538 fellowships, to ensure an impartial, high-quality peer review
539 system.

540 (h) Developing and supervising research peer review panels.

541 (i) Reviewing reports of peer review panels and making
542 recommendations for research grants and fellowships.

543 (j) Developing and providing oversight regarding mechanisms
544 for the dissemination of research results.

545 (5)

20081682er

546 (b) Grants and fellowships shall be awarded by the State
547 Surgeon General ~~Secretary of Health~~, after consultation with the
548 council, on the basis of scientific merit, as determined by an
549 open competitive peer review process that ensures objectivity,
550 consistency, and high quality. The following types of
551 applications shall be considered for funding:

- 552 1. Investigator-initiated research grants.
- 553 2. Institutional research grants.
- 554 3. Predoctoral and postdoctoral research fellowships.

555 (6) To ensure that all proposals for research funding are
556 appropriate and are evaluated fairly on the basis of scientific
557 merit, the State Surgeon General ~~Secretary of Health~~, in
558 consultation with the council, shall appoint a peer review panel
559 of independent, scientifically qualified individuals to review
560 the scientific content of each proposal and establish its
561 scientific priority score. The priority scores shall be forwarded
562 to the council and must be considered in determining which
563 proposals shall be recommended for funding.

564 (10) The council shall submit an annual progress report on
565 the state of biomedical research in this state to the Florida
566 Center for Universal Research to Eradicate Disease and to the
567 Governor, the State Surgeon General ~~Secretary of Health~~, the
568 President of the Senate, and the Speaker of the House of
569 Representatives by February 1. The report must include:

570 (a) A list of research projects supported by grants or
571 fellowships awarded under the program.

572 (b) A list of recipients of program grants or fellowships.

20081682er

573 (c) A list of publications in peer reviewed journals
574 involving research supported by grants or fellowships awarded
575 under the program.

576 (d) The total amount of biomedical research funding
577 currently flowing into the state.

578 (e) New grants for biomedical research which were funded
579 based on research supported by grants or fellowships awarded
580 under the program.

581 (f) Progress in the prevention, diagnosis, treatment, and
582 cure of diseases related to tobacco use, including cancer,
583 cardiovascular disease, stroke, and pulmonary disease.

584 Section 15. Subsection (5) of section 335.067, Florida
585 Statutes, is amended to read:

586 335.067 Conserve by Bicycle Program.--There is created
587 within the Department of Transportation the Conserve by Bicycle
588 Program.

589 (5) By July 1, 2007, if sufficient funds are available in
590 the department's budget or from the Federal Government, the study
591 shall be completed and shall be submitted to the Governor, the
592 President of the Senate, the Speaker of the House of
593 Representatives, the Secretary of Transportation, the Secretary
594 of Environmental Protection, and the State Surgeon General
595 ~~Secretary of Health~~.

596 Section 16. Paragraph (b) of subsection (1) of section
597 377.901, Florida Statutes, is amended to read:

598 377.901 Florida Energy Commission.--

599 (1) The Florida Energy Commission is created and shall be
600 located within the Office of Legislative Services for

20081682er

601 administrative purposes. The commission shall be comprised of a
602 total of nine members.

603 (b) The following may also attend meetings and provide
604 information and advise at the request of the chair:

605 1. The chair of the Florida Public Service Commission, or
606 his or her designee.

607 2. The Public Counsel, or his or her designee.

608 3. The Commissioner of Agriculture, or his or her designee.

609 4. The Director of the Office of Insurance Regulation, or
610 his or her designee.

611 5. The State Surgeon General ~~Secretary of Health~~, or his or
612 her designee.

613 6. The chair of the State Board of Education, or his or her
614 designee.

615 7. The Secretary of Community Affairs, or his or her
616 designee.

617 8. The Secretary of Transportation, or his or her designee.

618 9. The Secretary of Environmental Protection, or his or her
619 designee.

620
621 It is the specific intent of the Legislature that nothing in this
622 section shall in any way change the powers, duties, and
623 responsibilities of the Public Service Commission or the powers,
624 duties, and responsibilities assigned by the Florida Electrical
625 Power Plant Siting Act, ss. 403.501-403.518.

626 Section 17. Subsections (2) and (3) of section 381.0057,
627 Florida Statutes, are amended to read:

628 381.0057 Funding for school health services.--

20081682er

629 (2) The State Surgeon General ~~Secretary of Health~~, or his
630 or her designee, in cooperation with the Commissioner of
631 Education, or his or her designee, shall publicize the
632 availability of funds, targeting those school districts or
633 schools which have a high incidence of medically underserved
634 high-risk children, low birthweight babies, infant mortality, or
635 teenage pregnancy.

636 (3) The State Surgeon General ~~Secretary of Health~~, or his
637 or her designees, in cooperation with the Commissioner of
638 Education, or his or her designees, in equal representation,
639 shall form a joint committee to evaluate and select the school
640 districts or schools to be funded.

641 Section 18. Subsections (5) and (7) of section 381.0303,
642 Florida Statutes, are amended to read:

643 381.0303 Special needs shelters.--

644 (5) SPECIAL NEEDS SHELTER INTERAGENCY COMMITTEE.--The State
645 Surgeon General ~~Secretary of Health~~ may establish a special needs
646 shelter interagency committee and serve as, or appoint a designee
647 to serve as, the committee's chair. The department shall provide
648 any necessary staff and resources to support the committee in the
649 performance of its duties. The committee shall address and
650 resolve problems related to special needs shelters not addressed
651 in the state comprehensive emergency medical plan and shall
652 consult on the planning and operation of special needs shelters.

653 (a) The committee shall:

654 1. Develop, negotiate, and regularly review any necessary
655 interagency agreements.

656 2. Undertake other such activities as the department deems
657 necessary to facilitate the implementation of this section.

20081682er

658 | 3. Submit recommendations to the Legislature as necessary.

659 | (b) The special needs shelter interagency committee shall
660 | be composed of representatives of emergency management, health,
661 | medical, and social services organizations. Membership shall
662 | include, but shall not be limited to, representatives of the
663 | Departments of Health, Community Affairs, Children and Family
664 | Services, Elderly Affairs, and Education; the Agency for Health
665 | Care Administration; the Florida Medical Association; the Florida
666 | Osteopathic Medical Association; Associated Home Health
667 | Industries of Florida, Inc.; the Florida Nurses Association; the
668 | Florida Health Care Association; the Florida Assisted Living
669 | Affiliation; the Florida Hospital Association; the Florida
670 | Statutory Teaching Hospital Council; the Florida Association of
671 | Homes for the Aging; the Florida Emergency Preparedness
672 | Association; the American Red Cross; Florida Hospices and
673 | Palliative Care, Inc.; the Association of Community Hospitals and
674 | Health Systems; the Florida Association of Health Maintenance
675 | Organizations; the Florida League of Health Systems; the Private
676 | Care Association; the Salvation Army; the Florida Association of
677 | Aging Services Providers; the AARP; and the Florida Renal
678 | Coalition.

679 | (c) Meetings of the committee shall be held in Tallahassee,
680 | and members of the committee shall serve at the expense of the
681 | agencies or organizations they represent. The committee shall
682 | make every effort to use teleconference or videoconference
683 | capabilities in order to ensure statewide input and
684 | participation.

685 | (7) EMERGENCY MANAGEMENT PLANS.--The submission of
686 | emergency management plans to county health departments by home

20081682er

687 health agencies, nurse registries, hospice programs, and home
688 medical equipment providers is conditional upon receipt of an
689 appropriation by the department to establish disaster coordinator
690 positions in county health departments unless the State Surgeon
691 General ~~secretary of the department~~ and a local county commission
692 jointly determine to require that such plans be submitted based
693 on a determination that there is a special need to protect public
694 health in the local area during an emergency.

695 Section 19. Paragraph (c) of subsection (6) and subsection
696 (9) of section 381.0403, Florida Statutes, are amended to read:

697 381.0403 The Community Hospital Education Act.--

698 (6) COUNCIL AND DIRECTOR.--

699 (c) The State Surgeon General ~~secretary of the Department~~
700 ~~of Health~~ shall designate an administrator to serve as staff
701 director. The council shall elect a chair from among its
702 membership. Such other personnel as may be necessary to carry out
703 the program shall be employed as authorized by the Department of
704 Health.

705 (9) ANNUAL REPORT ON GRADUATE MEDICAL EDUCATION;
706 COMMITTEE.--The Executive Office of the Governor, the Department
707 of Health, and the Agency for Health Care Administration shall
708 collaborate to establish a committee that shall produce an annual
709 report on graduate medical education. The committee shall be
710 comprised of 11 members: five members shall be deans of the
711 medical schools or their designees; the Governor shall appoint
712 two members, one of whom must be a representative of the Florida
713 Medical Association who has supervised or currently supervises
714 residents or interns and one of whom must be a representative of
715 the Florida Hospital Association; the Secretary of Health Care

20081682er

716 Administration shall appoint two members, one of whom must be a
717 representative of a statutory teaching hospital and one of whom
718 must be a physician who has supervised or is currently
719 supervising residents or interns; and the State Surgeon General
720 ~~Secretary of Health~~ shall appoint two members, one of whom must
721 be a representative of a statutory family practice teaching
722 hospital and one of whom must be a physician who has supervised
723 or is currently supervising residents or interns. With the
724 exception of the deans, members shall serve 4-year terms. In
725 order to stagger the terms, the Governor's appointees shall serve
726 initial terms of 4 years, the State Surgeon General's ~~Secretary~~
727 ~~of Health's~~ appointees shall serve initial terms of 3 years, and
728 the Secretary of Health Care Administration's appointees shall
729 serve initial terms of 2 years. A member's term shall be deemed
730 terminated when the member's representative status no longer
731 exists. Once the committee is appointed, it shall elect a chair
732 to serve for a 1-year term. The report shall be provided to the
733 Governor, the President of the Senate, and the Speaker of the
734 House of Representatives by January 15 annually. Committee
735 members shall serve without compensation. The report shall
736 address the following:

737 (a) The role of residents and medical faculty in the
738 provision of health care.

739 (b) The relationship of graduate medical education to the
740 state's physician workforce.

741 (c) The costs of training medical residents for hospitals,
742 medical schools, teaching hospitals, including all hospital-
743 medical affiliations, practice plans at all of the medical
744 schools, and municipalities.

20081682er

745 (d) The availability and adequacy of all sources of revenue
746 to support graduate medical education and recommend alternative
747 sources of funding for graduate medical education.

748 (e) The use of state and federal appropriated funds for
749 graduate medical education by hospitals receiving such funds.

750 Section 20. Paragraphs (g) and (h) of subsection (3) of
751 section 381.4018, Florida Statutes, are amended to read:

752 381.4018 Physician workforce assessment and development.--

753 (3) GENERAL FUNCTIONS.--The department shall maximize the
754 use of existing programs under the jurisdiction of the department
755 and other state agencies and coordinate governmental and
756 nongovernmental stakeholders and resources in order to develop a
757 state strategic plan and assess the implementation of such
758 strategic plan. In developing the state strategic plan, the
759 department shall:

760 (g) Coordinate and enhance activities relative to physician
761 workforce needs, undergraduate medical education, and graduate
762 medical education provided by the Division of Medical Quality
763 Assurance, the Community Hospital Education Program and the
764 Graduate Medical Education Committee established pursuant to s.
765 381.0403, area health education center networks established
766 pursuant to s. 381.0402, and other offices and programs within
767 the Department of Health as designated by the State Surgeon
768 General secretary.

769 (h) Work in conjunction with and act as a coordinating body
770 for governmental and nongovernmental stakeholders to address
771 matters relating to the state's physician workforce assessment
772 and development for the purpose of ensuring an adequate supply of
773 well-trained physicians to meet the state's future needs. Such

20081682er

774 governmental stakeholders shall include, but need not be limited
775 to, the State Surgeon General ~~Secretary of Health~~ or his or her
776 designee, the Commissioner of Education or his or her designee,
777 the Secretary of Health Care Administration or his or her
778 designee, and the Chancellor of the State University System or
779 his or her designee from the Board of Governors of the State
780 University System, and, at the discretion of the department,
781 other representatives of state and local agencies that are
782 involved in assessing, educating, or training the state's current
783 or future physicians. Other stakeholders shall include, but need
784 not be limited to, organizations representing the state's public
785 and private allopathic and osteopathic medical schools;
786 organizations representing hospitals and other institutions
787 providing health care, particularly those that have an interest
788 in providing accredited medical education and graduate medical
789 education to medical students and medical residents;
790 organizations representing allopathic and osteopathic practicing
791 physicians; and, at the discretion of the department,
792 representatives of other organizations or entities involved in
793 assessing, educating, or training the state's current or future
794 physicians.

795 Section 21. Subsection (3) of section 381.7353, Florida
796 Statutes, is amended to read:

797 381.7353 Reducing Racial and Ethnic Health Disparities:
798 Closing the Gap grant program; administration; department
799 duties.--

800 (3) Pursuant to s. 20.43(6), the State Surgeon General
801 ~~secretary~~ may appoint an ad hoc advisory committee to: examine
802 areas where public awareness, public education, research, and

20081682er

803 | coordination regarding racial and ethnic health outcome
804 | disparities are lacking; consider access and transportation
805 | issues which contribute to health status disparities; and make
806 | recommendations for closing gaps in health outcomes and
807 | increasing the public's awareness and understanding of health
808 | disparities that exist between racial and ethnic populations.

809 | Section 22. Subsections (2) and (7) of section 381.78,
810 | Florida Statutes, are amended to read:

811 | 381.78 Advisory council on brain and spinal cord
812 | injuries.--

813 | (2) Members of the council shall be appointed to serve by
814 | the State Surgeon General ~~Secretary of Health~~. All members' terms
815 | shall be for 4 years. An individual may not serve more than two
816 | terms. Any council member who is unwilling or unable to properly
817 | fulfill the duties of the office shall be succeeded by an
818 | individual chosen by the State Surgeon General ~~secretary~~ to serve
819 | out the unexpired balance of the replaced council member's term.
820 | If the unexpired balance of the replaced council member's term is
821 | less than 18 months, then, notwithstanding the provisions of this
822 | subsection, the succeeding council member may be reappointed by
823 | the State Surgeon General ~~secretary~~ twice.

824 | (7) A member of the advisory council may be removed from
825 | office by the State Surgeon General ~~Secretary of Health~~ for
826 | malfeasance, misfeasance, neglect of duty, incompetence, or
827 | permanent inability to perform official duties or for pleading
828 | nolo contendere to, or being found guilty of, a crime.
829 | Malfeasance includes, but is not limited to, a violation of any
830 | specific prohibition within this part.

20081682er

831 Section 23. Subsection (4) of section 381.79, Florida
832 Statutes, is amended to read:

833 381.79 Brain and Spinal Cord Injury Program Trust Fund.--

834 (4) The Board of Governors of the State University System
835 shall establish a program administration process which shall
836 include: an annual prospective program plan with goals, research
837 design, proposed outcomes, a proposed budget, an annual report of
838 research activities and findings, and an annual end-of-year
839 financial statement. Prospective program plans shall be submitted
840 to the Board of Governors, and funds shall be released upon
841 acceptance of the proposed program plans. The annual report of
842 research activities and findings shall be submitted to the Board
843 of Governors, with the executive summaries submitted to the
844 President of the Senate, the Speaker of the House of
845 Representatives, and the State Surgeon General ~~Secretary of~~
846 ~~Health~~.

847 Section 24. Paragraph (a) of subsection (4) and subsections
848 (5) and (6) of section 381.84, Florida Statutes, are amended to
849 read:

850 381.84 Comprehensive Statewide Tobacco Education and Use
851 Prevention Program.--

852 (4) ADVISORY COUNCIL; MEMBERS, APPOINTMENTS, AND
853 MEETINGS.--The Tobacco Education and Use Prevention Advisory
854 Council is created within the department.

855 (a) The council shall consist of 23 members, including:

856 1. The State Surgeon General ~~Secretary of Health~~, who shall
857 serve as the chairperson.

858 2. One county health department director, appointed by the
859 State Surgeon General ~~Secretary of Health~~.

20081682er

860 3. Two members appointed by the Commissioner of Education,
861 of whom one must be a school district superintendent.

862 4. The chief executive officer of the Florida Division of
863 the American Cancer Society, or his or her designee.

864 5. The chief executive officer of the Greater Southeast
865 Affiliate of the American Heart Association, or his or her
866 designee.

867 6. The chief executive officer of the American Lung
868 Association of Florida, or his or her designee.

869 7. The dean of the University of Miami School of Medicine,
870 or his or her designee.

871 8. The dean of the University of Florida College of
872 Medicine, or his or her designee.

873 9. The dean of the University of South Florida College of
874 Medicine, or his or her designee.

875 10. The dean of the Florida State University College of
876 Medicine, or his or her designee.

877 11. The dean of Nova Southeastern College of Osteopathic
878 Medicine, or his or her designee.

879 12. The dean of the Lake Erie College of Osteopathic
880 Medicine in Bradenton, Florida, or his or her designee.

881 13. The chief executive officer of the Campaign for Tobacco
882 Free Kids, or his or her designee.

883 14. The chief executive officer of the Legacy Foundation,
884 or his or her designee.

885 15. Four members appointed by the Governor, of whom two
886 must have expertise in the field of tobacco-use prevention and
887 education or smoking cessation and one individual who shall be

20081682er

888 between the ages of 16 and 21 at the time of his or her
889 appointment.

890 16. Two members appointed by the President of the Senate,
891 of whom one must have expertise in the field of tobacco-use
892 prevention and education or smoking cessation.

893 17. Two members appointed by the Speaker of the House of
894 Representatives, of whom one must have expertise in the field of
895 tobacco-use prevention and education or smoking cessation.

896 (5) COUNCIL DUTIES AND RESPONSIBILITIES.--The council shall
897 advise the State Surgeon General ~~Secretary of Health~~ as to the
898 direction and scope of the Comprehensive Statewide Tobacco
899 Education and Use Prevention Program. The responsibilities of the
900 council include, but are not limited to:

901 (a) Providing advice on program priorities and emphases.

902 (b) Providing advice on the overall program budget.

903 (c) Providing advice on copyrighted material, trademark,
904 and future transactions as they pertain to the tobacco education
905 and use prevention program.

906 (d) Reviewing broadcast material prepared for the Internet,
907 portable media players, radio, and television as it relates to
908 the advertising component of the tobacco education and use
909 prevention program.

910 (e) Participating in periodic program evaluation.

911 (f) Assisting in the development of guidelines to ensure
912 fairness, neutrality, and adherence to the principles of merit
913 and quality in the conduct of the program.

914 (g) Assisting in the development of administrative
915 procedures relating to solicitation, review, and award of

20081682er

916 contracts and grants in order to ensure an impartial, high-
917 quality peer review system.

918 (h) Assisting in the development and supervision of peer
919 review panels.

920 (i) Reviewing reports of peer review panels and making
921 recommendations for contracts and grants.

922 (j) Reviewing the activities and evaluating the performance
923 of the AHEC network to avoid duplicative efforts using state
924 funds.

925 (k) Recommending meaningful outcome measures through a
926 regular review of tobacco-use prevention and education strategies
927 and programs of other states and the Federal Government.

928 (l) Recommending policies to encourage a coordinated
929 response to tobacco use in this state, focusing specifically on
930 creating partnerships within and between the public and private
931 sectors.

932 (6) CONTRACT REQUIREMENTS.--Contracts or grants for the
933 program components or subcomponents described in paragraphs
934 (3) (a)-(f) shall be awarded by the State Surgeon General
935 ~~Secretary of Health~~, after consultation with the council, on the
936 basis of merit, as determined by an open, competitive, peer-
937 reviewed process that ensures objectivity, consistency, and high
938 quality. The department shall award such grants or contracts no
939 later than October 1 for each fiscal year. A recipient of a
940 contract or grant for the program component described in
941 paragraph (3) (c) is not eligible for a contract or grant award
942 for any other program component described in subsection (3) in
943 the same state fiscal year. A school or college of medicine that
944 is represented on the council is not eligible to receive a

20081682er

945 contract or grant under this section. For the 2007-2008 and 2008-
946 2009 fiscal years only, the department shall award a contract or
947 grant in the amount of \$10 million to the AHEC network for the
948 purpose of developing the components described in paragraph
949 (3)(i). The AHEC network may apply for a competitive contract or
950 grant after the 2008-2009 fiscal year.

951 (a) In order to ensure that all proposals for funding are
952 appropriate and are evaluated fairly on the basis of merit, the
953 State Surgeon General ~~Secretary of Health~~, in consultation with
954 the council, shall appoint a peer review panel of independent,
955 qualified experts in the field of tobacco control to review the
956 content of each proposal and establish its priority score. The
957 priority scores shall be forwarded to the council and must be
958 considered in determining which proposals will be recommended for
959 funding.

960 (b) The council and the peer review panel shall establish
961 and follow rigorous guidelines for ethical conduct and adhere to
962 a strict policy with regard to conflicts of interest. A member of
963 the council or panel may not participate in any discussion or
964 decision with respect to a research proposal by any firm, entity,
965 or agency with which the member is associated as a member of the
966 governing body or as an employee or with which the member has
967 entered into a contractual arrangement. Meetings of the council
968 and the peer review panels are subject to chapter 119, s.
969 286.011, and s. 24, Art. I of the State Constitution.

970 (c) In each contract or grant agreement, the department
971 shall limit the use of food and promotional items to no more than
972 2.5 percent of the total amount of the contract or grant and
973 limit overhead or indirect costs to no more than 7.5 percent of

20081682er

974 the total amount of the contract or grant. The department, in
975 consultation with the Department of Financial Services, shall
976 publish guidelines for appropriate food and promotional items.

977 (d) In each advertising contract, the department shall
978 limit the total of production fees, buyer commissions, and
979 related costs to no more than 10 percent of the total contract
980 amount.

981 (e) Notwithstanding the competitive process for contracts
982 prescribed in this subsection, each county health department is
983 eligible for core funding, on a per capita basis, to implement
984 tobacco education and use prevention activities within that
985 county.

986 Section 25. Paragraph (f) of subsection (4) and paragraph
987 (a) of subsection (5) of section 381.853, Florida Statutes, are
988 amended to read:

989 381.853 Florida Center for Brain Tumor Research.--

990 (4) The Florida Center for Brain Tumor Research is
991 established within the Evelyn F. and William L. McKnight Brain
992 Institute of the University of Florida.

993 (f) The center shall submit an annual report to the
994 Governor, the President of the Senate, the Speaker of the House
995 of Representatives, and the State Surgeon General ~~Secretary of~~
996 ~~Health~~ no later than January 15 that contains recommendations for
997 legislative changes necessary to foster a positive climate for
998 the pursuit of brain tumor research and the development of
999 treatment modalities in the state.

1000 (5) There is established within the center a scientific
1001 advisory council that includes biomedical researchers,
1002 physicians, clinicians, and representatives from public and

20081682er

1003 private universities and hospitals. The council shall meet at
1004 least annually.

1005 (a) The council shall consist of:

1006 1. Two members from the Florida Center for Brain Tumor
1007 Research within the Evelyn F. and William L. McKnight Brain
1008 Institute of the University of Florida appointed by the Governor.

1009 2. Two members from the Scripps Research Institute, one of
1010 whom must have expertise in basic brain tumor research, appointed
1011 by the Speaker of the House of Representatives.

1012 3. Two members from other public and private universities
1013 and institutions directly involved in brain tumor research
1014 appointed by the President of the Senate.

1015 4. One member from the Mayo Clinic in Jacksonville who is
1016 directly involved in the treatment of brain tumor patients or who
1017 has expertise in basic brain tumor research appointed by the
1018 State Surgeon General ~~Secretary of Health~~.

1019 5. Two members from the Cleveland Clinic in Florida who are
1020 directly involved in basic brain tumor research appointed by the
1021 Governor.

1022 6. One member from the H. Lee Moffitt Cancer Center and
1023 Research Institute who is directly involved in the treatment of
1024 brain tumor patients or who has expertise in basic brain tumor
1025 research appointed by the Speaker of the House of
1026 Representatives.

1027 7. One member from the M. D. Anderson Cancer Center Orlando
1028 who is directly involved in the treatment of brain tumor patients
1029 or who has expertise in basic brain tumor research appointed by
1030 the President of the Senate.

20081682er

1031 Section 26. Paragraph (a) of subsection (5) of section
1032 381.855, Florida Statutes, is amended to read:

1033 381.855 Florida Center for Universal Research to Eradicate
1034 Disease.--

1035 (5) There is established within the center an advisory
1036 council that shall meet at least annually.

1037 (a) The council shall consist of one representative from a
1038 Florida not-for-profit institution engaged in basic and clinical
1039 biomedical research and education which receives more than \$10
1040 million in annual grant funding from the National Institutes of
1041 Health, to be appointed by the State Surgeon General ~~Secretary of~~
1042 ~~Health~~ from a different institution each term, and one
1043 representative from and appointed by each of the following
1044 entities:

- 1045 1. Enterprise Florida, Inc.
- 1046 2. BioFlorida.
- 1047 3. The Biomedical Research Advisory Council.
- 1048 4. The Florida Medical Foundation.
- 1049 5. Pharmaceutical Research and Manufacturers of America.
- 1050 6. The Florida Cancer Council.
- 1051 7. The American Cancer Society, Florida Division, Inc.
- 1052 8. The American Heart Association.
- 1053 9. The American Lung Association of Florida.
- 1054 10. The American Diabetes Association, South Coastal
1055 Region.
- 1056 11. The Alzheimer's Association.
- 1057 12. The Epilepsy Foundation.
- 1058 13. The National Parkinson Foundation.
- 1059 14. The Florida Public Health Foundation, Inc.

20081682er

1060 15. The Florida Research Consortium.
1061 Section 27. Subsections (2) and (3) of section 381.86,
1062 Florida Statutes, are amended to read:
1063 381.86 Institutional Review Board.--
1064 (2) Consistent with federal requirements, the State Surgeon
1065 General Secretary of Health shall determine and appoint the
1066 membership of the board and designate its chair.
1067 (3) The department's Institutional Review Board may serve
1068 as an institutional review board for other agencies at the
1069 discretion of the State Surgeon General secretary.
1070 Section 28. Paragraph (a) of subsection (3) of section
1071 381.90, Florida Statutes, is amended to read:
1072 381.90 Health Information Systems Council; legislative
1073 intent; creation, appointment, duties.--
1074 (3) The council shall be composed of the following members
1075 or their senior executive-level designees:
1076 (a) The State Surgeon General Secretary of Health;
1077
1078 Representatives of the Federal Government may serve without
1079 voting rights.
1080 Section 29. Paragraph (a) of subsection (3) of section
1081 381.911, Florida Statutes, is amended to read:
1082 381.911 Prostate Cancer Awareness Program.--
1083 (3) A prostate cancer advisory committee is created to
1084 advise and assist the Department of Health and the Florida Public
1085 Health Foundation, Inc., in implementing the program.
1086 (a) The State Surgeon General Secretary of Health shall
1087 appoint the advisory committee members, who shall consist of:

20081682er

1088 1. Three persons from prostate cancer survivor groups or
1089 cancer-related advocacy groups.

1090 2. Three persons who are scientists or clinicians from
1091 public universities or research organizations.

1092 3. Three persons who are engaged in the practice of a
1093 cancer-related medical specialty from health organizations
1094 committed to cancer research and control.

1095 Section 30. Paragraph (a) of subsection (3) of section
1096 381.912, Florida Statutes, is amended to read:

1097 381.912 Cervical Cancer Elimination Task Force.--

1098 (3) The task force shall consist of:

1099 (a) The director of the Department of Health's Division of
1100 Disease Control or another person with expertise in epidemiology
1101 who shall serve as chair, appointed by the State Surgeon General
1102 ~~Secretary of Health~~.

1103 Section 31. Paragraph (c) of subsection (2) of section
1104 381.92, Florida Statutes, is amended to read:

1105 381.92 Florida Cancer Council.--

1106 (2)

1107 (c) The members of the council shall consist of:

1108 1. Chair of the Florida Dialogue on Cancer, who shall serve
1109 as the chair of the council;

1110 2. State Surgeon General ~~secretary of the Department of~~
1111 ~~Health~~ or his or her designee;

1112 3. Chief Executive Officer of the H. Lee Moffitt Cancer
1113 Center or his or her designee;

1114 4. Director of the University of Florida Shands Cancer
1115 Center or his or her designee;

20081682er

1116 5. Chief Executive Officer of the University of Miami
1117 Sylvester Comprehensive Cancer Center or his or her designee;

1118 6. Chief Executive Officer of the Mayo Clinic,
1119 Jacksonville, or his or her designee;

1120 7. Chief Executive Officer of the American Cancer Society,
1121 Florida Division, Inc., or his or her designee;

1122 8. President of the American Cancer Society, Florida
1123 Division, Inc., Board of Directors or his or her designee;

1124 9. President of the Florida Society of Clinical Oncology or
1125 his or her designee;

1126 10. President of the American College of Surgeons, Florida
1127 Chapter, or his or her designee;

1128 11. Chief Executive Officer of Enterprise Florida, Inc., or
1129 his or her designee;

1130 12. Five representatives from cancer programs approved by
1131 the American College of Surgeons. Three shall be appointed by the
1132 Governor, one shall be appointed by the Speaker of the House of
1133 Representatives, and one shall be appointed by the President of
1134 the Senate;

1135 13. One member of the House of Representatives, to be
1136 appointed by the Speaker of the House of Representatives; and

1137 14. One member of the Senate, to be appointed by the
1138 President of the Senate.

1139 Section 32. Paragraphs (a) and (b) of subsection (3) of
1140 section 381.922, Florida Statutes, are amended to read:

1141 381.922 William G. "Bill" Bankhead, Jr., and David Coley
1142 Cancer Research Program.--

1143 (3)(a) Applications for funding for cancer research may be
1144 submitted by any university or established research institute in

20081682er

1145 the state. All qualified investigators in the state, regardless
1146 of institutional affiliation, shall have equal access and
1147 opportunity to compete for the research funding. Collaborative
1148 proposals, including those that advance the program's goals
1149 enumerated in subsection (2), may be given preference. Grants
1150 shall be awarded by the State Surgeon General ~~Secretary of~~
1151 ~~Health~~, after consultation with the Biomedical Research Advisory
1152 Council, on the basis of scientific merit, as determined by an
1153 open, competitive peer review process that ensures objectivity,
1154 consistency, and high quality. The following types of
1155 applications shall be considered for funding:

- 1156 1. Investigator-initiated research grants.
- 1157 2. Institutional research grants.
- 1158 3. Collaborative research grants, including those that
1159 advance the finding of cures through basic or applied research.

1160 (b) In order to ensure that all proposals for research
1161 funding are appropriate and are evaluated fairly on the basis of
1162 scientific merit, the State Surgeon General ~~Secretary of Health~~,
1163 in consultation with the council, shall appoint a peer review
1164 panel of independent, scientifically qualified individuals to
1165 review the scientific content of each proposal and establish its
1166 priority score. The priority scores shall be forwarded to the
1167 council and must be considered in determining which proposals
1168 shall be recommended for funding.

1169 Section 33. Paragraph (a) of subsection (6) of section
1170 381.98, Florida Statutes, is amended to read:

1171 381.98 The Florida Public Health Foundation, Inc.;
1172 establishment; purpose; mission; duties; board of directors.--

20081682er

1173 (6) The affairs of the corporation shall be managed by an
1174 executive director appointed by a board of directors consisting
1175 of:

1176 (a) The State Surgeon General ~~Secretary of Health~~ or his or
1177 her designee.

1178 Section 34. Subsection (9) of section 381.983, Florida
1179 Statutes, is repealed.

1180 Section 35. Subsections (2) and (3) of section 381.984,
1181 Florida Statutes, are amended to read:

1182 381.984 Educational programs.--

1183 (2) PUBLIC INFORMATION INITIATIVE.--The Governor, in
1184 conjunction with the State Surgeon General ~~Secretary of Health~~
1185 and his or her designee, shall sponsor a series of public service
1186 announcements on radio, television, the Internet, and print media
1187 about the nature of lead-based-paint hazards, the importance of
1188 standards for lead poisoning prevention in properties, and the
1189 purposes and responsibilities set forth in this act. In
1190 developing and coordinating this public information initiative,
1191 the sponsors shall seek the participation and involvement of
1192 private industry organizations, including those involved in real
1193 estate, insurance, mortgage banking, and pediatrics.

1194 (3) DISTRIBUTION OF LITERATURE ABOUT CHILDHOOD LEAD
1195 POISONING.--By January 1, 2007, the State Surgeon General
1196 ~~Secretary of Health~~ or his or her designee shall develop
1197 culturally and linguistically appropriate information pamphlets
1198 regarding childhood lead poisoning, the importance of testing for
1199 elevated blood-lead levels, prevention of childhood lead
1200 poisoning, treatment of childhood lead poisoning, and, where
1201 appropriate, the requirements of this act. These information

20081682er

1202 pamphlets shall be distributed to parents or the other legal
1203 guardians of children 6 years of age or younger on the following
1204 occasions:

1205 (a) By a health care provider at the time of a child's
1206 birth and at the time of any childhood immunization or
1207 vaccination unless it is established that such information
1208 pamphlet has been provided previously to the parent or legal
1209 guardian by the health care provider within the prior 12 months.

1210 (b) By the owner or operator of any child care facility or
1211 preschool or kindergarten class on or before October 15 of the
1212 calendar year.

1213 Section 36. Section 381.985, Florida Statutes, is amended
1214 to read:

1215 381.985 Screening program.--

1216 (1) The State Surgeon General ~~secretary~~ shall establish a
1217 program for early identification of persons at risk of having
1218 elevated blood-lead levels. Such program shall systematically
1219 screen children under 6 years of age in the target populations
1220 identified in subsection (2) for the presence of elevated blood-
1221 lead levels. Children within the specified target populations
1222 shall be screened with a blood-lead test at age 12 months and age
1223 24 months, or between the ages of 36 months and 72 months if they
1224 have not previously been screened. The State Surgeon General
1225 ~~secretary~~ shall, after consultation with recognized professional
1226 medical groups and such other sources as the State Surgeon
1227 General ~~secretary~~ deems appropriate, promulgate rules
1228 establishing:

20081682er

1229 (a) The means by which and the intervals at which such
1230 children under 6 years of age shall be screened for lead
1231 poisoning and elevated blood-lead levels.

1232 (b) Guidelines for the medical followup on children found
1233 to have elevated blood-lead levels.

1234 (2) In developing screening programs to identify persons at
1235 risk with elevated blood-lead levels, priority shall be given to
1236 persons within the following categories:

1237 (a) All children enrolled in the Medicaid program at ages
1238 12 months and 24 months, or between the ages of 36 months and 72
1239 months if they have not previously been screened.

1240 (b) Children under the age of 6 years exhibiting delayed
1241 cognitive development or other symptoms of childhood lead
1242 poisoning.

1243 (c) Persons at risk residing in the same household, or
1244 recently residing in the same household, as another person at
1245 risk with a blood-lead level of 10 ug/dL or greater.

1246 (d) Persons at risk residing, or who have recently resided,
1247 in buildings or geographical areas in which significant numbers
1248 of cases of lead poisoning or elevated blood-lead levels have
1249 recently been reported.

1250 (e) Persons at risk residing, or who have recently resided,
1251 in an affected property contained in a building that during the
1252 preceding 3 years has been subject to enforcement for violations
1253 of lead-poisoning-prevention statutes, ordinances, rules, or
1254 regulations as specified by the State Surgeon General ~~secretary~~.

1255 (f) Persons at risk residing, or who have recently resided,
1256 in a room or group of rooms contained in a building whose owner
1257 also owns a building containing affected properties which during

20081682er

1258 | the preceding 3 years has been subject to an enforcement action
1259 | for a violation of lead-poisoning-prevention statutes,
1260 | ordinances, rules, or regulations.

1261 | (g) Persons at risk residing in other buildings or
1262 | geographical areas in which the State Surgeon General ~~secretary~~
1263 | reasonably determines there to be a significant risk of affected
1264 | individuals having a blood-lead level of 10 ug/dL or greater.

1265 | (3) The State Surgeon General ~~secretary~~ shall maintain
1266 | comprehensive records of all screenings conducted pursuant to
1267 | this section. Such records shall be indexed geographically and by
1268 | owner in order to determine the location of areas of relatively
1269 | high incidence of lead poisoning and other elevated blood-lead
1270 | levels.

1271 |
1272 | All cases or probable cases of lead poisoning found in the course
1273 | of screenings conducted pursuant to this section shall be
1274 | reported to the affected individual, to his or her parent or
1275 | legal guardian if he or she is a minor, and to the State Surgeon
1276 | General ~~secretary~~.

1277 | Section 37. Subsection (5) of section 383.14, Florida
1278 | Statutes, is amended to read:

1279 | 383.14 Screening for metabolic disorders, other hereditary
1280 | and congenital disorders, and environmental risk factors.--

1281 | (5) ADVISORY COUNCIL.--There is established a Genetics and
1282 | Newborn Screening Advisory Council made up of 15 members
1283 | appointed by the State Surgeon General ~~Secretary of Health~~. The
1284 | council shall be composed of two consumer members, three
1285 | practicing pediatricians, at least one of whom must be a
1286 | pediatric hematologist, one representative from each of the four

20081682er

1287 | medical schools in the state, the State Surgeon General ~~Secretary~~
1288 | ~~of Health~~ or his or her designee, one representative from the
1289 | Department of Health representing Children's Medical Services,
1290 | one representative from the Florida Hospital Association, one
1291 | individual with experience in newborn screening programs, one
1292 | individual representing audiologists, and one representative from
1293 | the Agency for Persons with Disabilities. All appointments shall
1294 | be for a term of 4 years. The chairperson of the council shall be
1295 | elected from the membership of the council and shall serve for a
1296 | period of 2 years. The council shall meet at least semiannually
1297 | or upon the call of the chairperson. The council may establish ad
1298 | hoc or temporary technical advisory groups to assist the council
1299 | with specific topics which come before the council. Council
1300 | members shall serve without pay. Pursuant to the provisions of s.
1301 | 112.061, the council members are entitled to be reimbursed for
1302 | per diem and travel expenses. It is the purpose of the council to
1303 | advise the department about:

1304 | (a) Conditions for which testing should be included under
1305 | the screening program and the genetics program.

1306 | (b) Procedures for collection and transmission of specimens
1307 | and recording of results.

1308 | (c) Methods whereby screening programs and genetics
1309 | services for children now provided or proposed to be offered in
1310 | the state may be more effectively evaluated, coordinated, and
1311 | consolidated.

1312 | Section 38. Subsection (6) of section 383.216, Florida
1313 | Statutes, is amended to read:

1314 | 383.216 Community-based prenatal and infant health care.--

20081682er

1315 (6) Prenatal and infant health care coalitions may be
1316 established for single counties or for services delivery
1317 catchment areas. A prenatal and infant health care coalition
1318 shall be initiated at the local level on a voluntary basis. Once
1319 a coalition has been organized locally and includes the
1320 membership specified in subsection (5), the coalition must submit
1321 a list of its members to the State Surgeon General ~~Secretary of~~
1322 ~~Health~~ to carry out the responsibilities outlined in this
1323 section.

1324 Section 39. Subsection (7) of section 383.2162, Florida
1325 Statutes, is amended to read:

1326 383.2162 Black infant health practice initiative.--

1327 (7) EVALUATIONS AND REPORTS.--The department shall conduct
1328 an annual evaluation of the implementation of the initiative
1329 describing which areas are participating in the initiative, the
1330 number of reviews conducted by each participating coalition,
1331 grant balances, and recommendations for modifying the initiative.
1332 All participating coalitions shall produce a report on their
1333 collective findings and recommendations by January 1, 2010, to
1334 the Governor, the President of the Senate, the Speaker of the
1335 House of Representatives, and the State Surgeon General ~~Secretary~~
1336 ~~of Health~~.

1337 Section 40. Subsection (2) of section 383.336, Florida
1338 Statutes, is amended to read:

1339 383.336 Provider hospitals; practice parameters; peer
1340 review board.--

1341 (2) The Office of the State Surgeon General ~~Secretary of~~
1342 ~~Health~~, in consultation with the Board of Medicine and the
1343 Florida Obstetric and Gynecologic Society, is directed to

20081682er

1344 establish practice parameters to be followed by physicians in
1345 provider hospitals in performance of a caesarean section delivery
1346 when the delivery will be paid partly or fully by state funds or
1347 federal funds administered by the state. These parameters shall
1348 be directed to reduce the number of unnecessary caesarean section
1349 deliveries. These practice parameters shall address, at a
1350 minimum, the following: feasibility of attempting a vaginal
1351 delivery for each patient with a prior caesarean section;
1352 dystocia, including arrested dilation and prolonged deceleration
1353 phase; fetal distress; and fetal malposition. The Department of
1354 Health shall adopt rules to implement the provisions of this
1355 subsection.

1356 Section 41. Subsections (2), (4), (6), and (17) of section
1357 383.402, Florida Statutes, are amended to read:

1358 383.402 Child abuse death review; State Child Abuse Death
1359 Review Committee; local child abuse death review committees.--

1360 (2) (a) The State Child Abuse Death Review Committee is
1361 established within the Department of Health and shall consist of
1362 a representative of the Department of Health, appointed by the
1363 State Surgeon General ~~Secretary of Health~~, who shall serve as the
1364 state committee coordinator. The head of each of the following
1365 agencies or organizations shall also appoint a representative to
1366 the state committee:

- 1367 1. The Department of Legal Affairs.
- 1368 2. The Department of Children and Family Services.
- 1369 3. The Department of Law Enforcement.
- 1370 4. The Department of Education.
- 1371 5. The Florida Prosecuting Attorneys Association, Inc.

20081682er

1372 6. The Florida Medical Examiners Commission, whose
1373 representative must be a forensic pathologist.

1374 (b) In addition, the State Surgeon General ~~Secretary of~~
1375 ~~Health~~ shall appoint the following members to the state
1376 committee, based on recommendations from the Department of Health
1377 and the agencies listed in paragraph (a), and ensuring that the
1378 committee represents the regional, gender, and ethnic diversity
1379 of the state to the greatest extent possible:

1380 1. A board-certified pediatrician.

1381 2. A public health nurse.

1382 3. A mental health professional who treats children or
1383 adolescents.

1384 4. An employee of the Department of Children and Family
1385 Services who supervises family services counselors and who has at
1386 least 5 years of experience in child protective investigations.

1387 5. The medical director of a child protection team.

1388 6. A member of a child advocacy organization.

1389 7. A social worker who has experience in working with
1390 victims and perpetrators of child abuse.

1391 8. A person trained as a paraprofessional in patient
1392 resources who is employed in a child abuse prevention program.

1393 9. A law enforcement officer who has at least 5 years of
1394 experience in children's issues.

1395 10. A representative of the Florida Coalition Against
1396 Domestic Violence.

1397 11. A representative from a private provider of programs on
1398 preventing child abuse and neglect.

1399 (4) The members of the state committee shall be appointed
1400 to staggered terms of office which may not exceed 2 years, as

20081682er

1401 determined by the State Surgeon General ~~Secretary of Health~~.
1402 Members are eligible for reappointment. The state committee shall
1403 elect a chairperson from among its members to serve for a 2-year
1404 term, and the chairperson may appoint ad hoc committees as
1405 necessary to carry out the duties of the committee.

1406 (6) At the direction of the State Surgeon General ~~Secretary~~
1407 ~~of Health~~, the director of each county health department, or the
1408 directors of two or more county health departments by agreement,
1409 may convene and support a county or multicounty child abuse death
1410 review committee in accordance with the protocols established by
1411 the State Child Abuse Death Review Committee. Each local
1412 committee must include a local state attorney, or his or her
1413 designee, and any other members that are determined by guidelines
1414 developed by the State Child Abuse Death Review Committee. The
1415 members of a local committee shall be appointed to 2-year terms
1416 and may be reappointed. The local committee shall elect a
1417 chairperson from among its members. Members shall serve without
1418 compensation but are entitled to reimbursement for per diem and
1419 travel expenses incurred in the performance of their duties as
1420 provided in s. 112.061 and to the extent that funds are
1421 available.

1422 (17) For the purpose of carrying out the responsibilities
1423 assigned to the State Child Abuse Death Review Committee and the
1424 local review committees, the State Surgeon General ~~Secretary of~~
1425 ~~Health~~ may substitute an existing entity whose function and
1426 organization include the function and organization of the
1427 committees established by this section.

1428 Section 42. Paragraph (c) of subsection (1) and subsection
1429 (2) of section 385.203, Florida Statutes, are amended to read:

20081682er

1430 385.203 Diabetes Advisory Council; creation; function;
1431 membership.--

1432 (1) To guide a statewide comprehensive approach to diabetes
1433 prevention, diagnosis, education, care, treatment, impact, and
1434 costs thereof, there is created a Diabetes Advisory Council that
1435 serves as the advisory unit to the Department of Health, other
1436 governmental agencies, professional and other organizations, and
1437 the general public. The council shall:

1438 (c) By June 30 of each year, meet with the State Surgeon
1439 General Secretary of Health or designee to make specific
1440 recommendations regarding the public health aspects of the
1441 prevention and control of diabetes.

1442 (2) The members of the council shall be appointed by the
1443 Governor with advice from the State Surgeon General Secretary of
1444 Health. Members shall serve 4-year terms or until their
1445 successors are appointed or qualified.

1446 Section 43. Subsection (5) of section 385.210, Florida
1447 Statutes, is amended to read:

1448 385.210 Arthritis prevention and education.--

1449 (5) FUNDING.--

1450 (a) The State Surgeon General Secretary of Health may
1451 accept grants, services, and property from the Federal
1452 Government, foundations, organizations, medical schools, and
1453 other entities as may be available for the purposes of fulfilling
1454 the obligations of this program.

1455 (b) The State Surgeon General secretary shall seek any
1456 federal waiver or waivers that may be necessary to maximize funds
1457 from the Federal Government to implement this program.

20081682er

1458 Section 44. Paragraph (a) of subsection (2) of section
1459 388.46, Florida Statutes, is amended to read:
1460 388.46 Florida Coordinating Council on Mosquito Control;
1461 establishment; membership; organization; responsibilities.--
1462 (2) MEMBERSHIP, ORGANIZATION, AND RESPONSIBILITIES.--
1463 (a) Membership.--The Florida Coordinating Council on
1464 Mosquito Control shall be comprised of the following
1465 representatives or their authorized designees:
1466 1. The Secretary of Environmental Protection and the State
1467 Surgeon General ~~Secretary of Health~~;
1468 2. The executive director of the Fish and Wildlife
1469 Conservation Commission;
1470 3. The state epidemiologist;
1471 4. The Commissioner of Agriculture; and
1472 5. Representatives from:
1473 a. The University of Florida, Institute of Food and
1474 Agricultural Sciences, Florida Medical Entomological Research
1475 Laboratory;
1476 b. Florida Agricultural and Mechanical University;
1477 c. The United States Environmental Protection Agency;
1478 d. The United States Department of Agriculture, Insects
1479 Affecting Man Laboratory;
1480 e. The United States Fish and Wildlife Service;
1481 f. Two mosquito control directors to be nominated by the
1482 Florida Mosquito Control Association, two representatives of
1483 Florida environmental groups, and two private citizens who are
1484 property owners whose lands are regularly subject to mosquito
1485 control operations, to be appointed to 4-year terms by the
1486 Commissioner of Agriculture; and

20081682er

1487 g. The Board of Trustees of the Internal Improvement Trust
1488 Fund.

1489 Section 45. Subsection (1) of section 391.028, Florida
1490 Statutes, is amended to read:

1491 391.028 Administration.--The Children's Medical Services
1492 program shall have a central office and area offices.

1493 (1) The Director of Children's Medical Services must be a
1494 physician licensed under chapter 458 or chapter 459 who has
1495 specialized training and experience in the provision of health
1496 care to children and who has recognized skills in leadership and
1497 the promotion of children's health programs. The director shall
1498 be the deputy secretary and the Deputy State Health Officer for
1499 Children's Medical Services and is appointed by and reports to
1500 the State Surgeon General ~~secretary~~. The director may appoint
1501 division directors subject to the approval of the State Surgeon
1502 General ~~secretary~~.

1503 Section 46. Subsection (1) of section 391.221, Florida
1504 Statutes, is amended to read:

1505 391.221 Statewide Children's Medical Services Network
1506 Advisory Council.--

1507 (1) The State Surgeon General ~~secretary of the department~~
1508 may appoint a Statewide Children's Medical Services Network
1509 Advisory Council for the purpose of acting as an advisory body to
1510 the department. Specifically, the duties of the council shall
1511 include, but not be limited to:

1512 (a) Recommending standards and credentialing requirements
1513 for health care providers rendering health services to Children's
1514 Medical Services network participants.

20081682er

1515 (b) Making recommendations to the director of Children's
1516 Medical Services concerning the selection of health care
1517 providers for the Children's Medical Services network.

1518 (c) Reviewing and making recommendations concerning network
1519 health care provider or participant disputes that are brought to
1520 the attention of the advisory council.

1521 (d) Providing input to the Children's Medical Services
1522 program on the policies governing the Children's Medical Services
1523 network.

1524 (e) Reviewing the financial reports and financial status of
1525 the network and making recommendations concerning the methods of
1526 payment and cost controls for the network.

1527 (f) Reviewing and recommending the scope of benefits for
1528 the network.

1529 (g) Reviewing network performance measures and outcomes and
1530 making recommendations for improvements to the network and its
1531 maintenance and collection of data and information.

1532 Section 47. Section 391.223, Florida Statutes, is amended
1533 to read:

1534 391.223 Technical advisory panels.--The State Surgeon
1535 General ~~secretary of the department~~ may establish technical
1536 advisory panels to assist in developing specific policies and
1537 procedures for the Children's Medical Services program.

1538 Section 48. Paragraph (b) of subsection (1) of section
1539 397.333, Florida Statutes, is amended to read:

1540 397.333 Statewide Drug Policy Advisory Council.--

1541 (1)

1542 (b) The following state officials shall be appointed to
1543 serve on the advisory council:

20081682er

- 1544 1. The Attorney General, or his or her designee.
- 1545 2. The executive director of the Department of Law
1546 Enforcement, or his or her designee.
- 1547 3. The Secretary of Children and Family Services, or his or
1548 her designee.
- 1549 4. The State Surgeon General ~~Secretary of Health~~, or his or
1550 her designee.
- 1551 5. The Secretary of Corrections, or his or her designee.
- 1552 6. The Secretary of Juvenile Justice, or his or her
1553 designee.
- 1554 7. The Commissioner of Education, or his or her designee.
- 1555 8. The executive director of the Department of Highway
1556 Safety and Motor Vehicles, or his or her designee.
- 1557 9. The Adjutant General of the state as the Chief of the
1558 Department of Military Affairs, or his or her designee.
- 1559 Section 49. Paragraph (a) of subsection (3) of section
1560 400.235, Florida Statutes, is amended to read:
- 1561 400.235 Nursing home quality and licensure status; Gold
1562 Seal Program.--
- 1563 (3) (a) The Gold Seal Program shall be developed and
1564 implemented by the Governor's Panel on Excellence in Long-Term
1565 Care which shall operate under the authority of the Executive
1566 Office of the Governor. The panel shall be composed of three
1567 persons appointed by the Governor, to include a consumer advocate
1568 for senior citizens and two persons with expertise in the fields
1569 of quality management, service delivery excellence, or public
1570 sector accountability; three persons appointed by the Secretary
1571 of Elderly Affairs, to include an active member of a nursing
1572 facility family and resident care council and a member of the

20081682er

1573 University Consortium on Aging; the State Long-Term Care
1574 Ombudsman; one person appointed by the Florida Life Care
1575 Residents Association; one person appointed by the State Surgeon
1576 General Secretary of Health; two persons appointed by the
1577 Secretary of Health Care Administration; one person appointed by
1578 the Florida Association of Homes for the Aging; and one person
1579 appointed by the Florida Health Care Association. Vacancies on
1580 the panel shall be filled in the same manner as the original
1581 appointments.

1582 Section 50. Subsection (21) of section 401.23, Florida
1583 Statutes, is repealed.

1584 Section 51. Paragraphs (a) and (c) of subsection (2) and
1585 subsection (6) of section 401.245, Florida Statutes, are amended
1586 to read:

1587 401.245 Emergency Medical Services Advisory Council.--

1588 (2) (a) No more than 15 members may be appointed to this
1589 council. Members shall be appointed for 4-year terms in such a
1590 manner that each year the terms of approximately one-fourth of
1591 the members expire. The chair of the council shall be designated
1592 by the State Surgeon General ~~secretary~~. Vacancies shall be filled
1593 for the remainder of unexpired terms in the same manner as the
1594 original appointment. Members shall receive no compensation but
1595 may be reimbursed for per diem and travel expenses.

1596 (c) Appointments to the council shall be made by the State
1597 Surgeon General ~~secretary~~, except that state agency
1598 representatives shall be appointed by the respective agency head.

1599 (6) There is established a committee to advise the
1600 Department of Health on matters concerning preventative,

20081682er

1601 | prehospital, hospital, rehabilitative, and other posthospital
1602 | medical care for children.

1603 | (a) Committee members shall be appointed by the State
1604 | Surgeon General ~~secretary~~, and shall include, but not be limited
1605 | to, physicians and other medical professionals that have
1606 | experience in emergency medicine or expertise in emergency and
1607 | critical care for children.

1608 | (b) Appointments to the committee shall be for a term of 2
1609 | years. Vacancies may be filled for the unexpired term at the
1610 | discretion of the State Surgeon General ~~secretary~~. The members
1611 | shall serve without compensation, and shall not be reimbursed for
1612 | necessary expenses incurred in the performance of their duties,
1613 | unless there is funding available from the Federal Government or
1614 | contributions or grants from private sources.

1615 | Section 52. Subsection (1) of section 401.421, Florida
1616 | Statutes, is amended to read:

1617 | 401.421 Injunctive relief; cease and desist notice; civil
1618 | penalty; enforcement.--

1619 | (1) The State Surgeon General ~~secretary~~ may cause to be
1620 | instituted a civil action in circuit court for preliminary or
1621 | permanent injunctive relief to remedy or prevent a violation of
1622 | this part or any rule adopted by the department under this part.

1623 | Section 53. Paragraph (a) of subsection (4) of section
1624 | 402.56, Florida Statutes, is amended to read:

1625 | 402.56 Children's cabinet; organization; responsibilities;
1626 | annual report.--

1627 | (4) MEMBERS.--The cabinet shall consist of 15 members
1628 | including the Governor and the following persons:

1629 | (a)1. The Secretary of Children and Family Services;

20081682er

- 1630 2. The Secretary of Juvenile Justice;
- 1631 3. The director of the Agency for Persons with
- 1632 Disabilities;
- 1633 4. The director of the Agency for Workforce Innovation;
- 1634 5. The State Surgeon General ~~Secretary of Health~~;
- 1635 6. The Secretary of Health Care Administration;
- 1636 7. The Commissioner of Education;
- 1637 8. The director of the Statewide Guardian Ad Litem Office;
- 1638 9. The director of the Office of Child Abuse Prevention;

1639 and

- 1640 10. Five members representing children and youth advocacy
- 1641 organizations, who are not service providers and who are
- 1642 appointed by the Governor.

1643 Section 54. Subsections (1), (4), and (5) of section

1644 403.862, Florida Statutes, are amended to read:

1645 403.862 Department of Health; public water supply duties

1646 and responsibilities; coordinated budget requests with

1647 department.--

1648 (1) Recognizing that supervision and control of county

1649 health departments of the Department of Health is retained by the

1650 State Surgeon General ~~secretary of that agency~~, and that public

1651 health aspects of the state public water supply program require

1652 joint participation in the program by the Department of Health

1653 and its units and the department, the Department of Health shall:

1654 (a) Establish and maintain laboratories for the conducting

1655 of radiological, microbiological, and chemical analyses of water

1656 samples from public water systems, which are submitted to such

1657 laboratories for analysis. Copies of the reports of such analyses

20081682er

1658 and quarterly summary reports shall be submitted to the
1659 appropriate department district or subdistrict office.

1660 (b) Require each county health department to:

1661 1. Collect such water samples for analysis as may be
1662 required by the terms of this act, from public water systems
1663 within its jurisdiction. The duty to collect such samples may be
1664 shared with the appropriate department district or subdistrict
1665 office and shall be coordinated by field personnel involved.

1666 2. Submit the collected water samples to the appropriate
1667 laboratory for analysis.

1668 3. Maintain reports of analyses for its own records.

1669 4. Conduct complaint investigation of public water systems
1670 to determine compliance with federal, state, and local standards
1671 and permit compliance.

1672 5. Notify the appropriate department district or
1673 subdistrict office of potential violations of federal, state, and
1674 local standards and permit conditions by public water systems and
1675 assist the department in enforcement actions with respect to such
1676 violations to the maximum extent practicable.

1677 6. Review and evaluate laboratory analyses of water samples
1678 from private water systems.

1679 (c) Require those county health departments designated by
1680 the Department of Health and approved by the department as having
1681 qualified sanitary engineering staffs and available legal
1682 resources, in addition to the duties prescribed in paragraph (b),
1683 to:

1684 1. Review, evaluate, and approve or disapprove each
1685 application for the construction, modification, or expansion of a
1686 public water system to determine compliance with federal, state,

20081682er

1687 and local requirements. A copy of the completed permit
1688 application and a report of the final action taken by the county
1689 health department shall be forwarded to the appropriate
1690 department district office.

1691 2. Review, evaluate, and approve or disapprove applications
1692 for the expansion of distribution systems. Written notification
1693 of action taken on such applications shall be forwarded to the
1694 appropriate department district or subdistrict office.

1695 3. Maintain inventory, operational, and bacteriological
1696 records and carry out monitoring, surveillance, and sanitary
1697 surveys of public water systems to ensure compliance with
1698 federal, state, and local regulations.

1699 4. Participate in educational and training programs
1700 relating to drinking water and public water systems.

1701 5. Enforce the provisions of this part and rules adopted
1702 under this part.

1703 (d) Require those county health departments designated by
1704 the Department of Health as having the capability of performing
1705 bacteriological analyses, in addition to the duties prescribed in
1706 paragraph (b), to:

1707 1. Perform bacteriological analyses of water samples
1708 submitted for analysis.

1709 2. Submit copies of the reports of such analyses to the
1710 appropriate department district or subdistrict office.

1711 (e) Make available to the central and branch laboratories
1712 funds sufficient, to the maximum extent possible, to carry out
1713 the public water supply functions and responsibilities required
1714 of such laboratories as provided in this section.

20081682er

1715 (f) Have general supervision and control over all private
1716 water systems and all public water systems not otherwise covered
1717 or included in this part. This shall include the authority to
1718 adopt and enforce rules, including definitions of terms, to
1719 protect the health, safety, or welfare of persons being served by
1720 all private water systems and all public water systems not
1721 otherwise covered by this part.

1722 (g) Assist state and local agencies in the determination
1723 and investigation of suspected waterborne disease outbreaks,
1724 including diseases associated with chemical contaminants.

1725 (h) Upon request, consult with and advise any county or
1726 municipal authority as to water supply activities.

1727 (4) If the department determines that a county health
1728 department or other unit of the Department of Health is not
1729 performing its public water supply responsibilities
1730 satisfactorily, the secretary of the department shall certify
1731 such determination in writing to the State Surgeon General
1732 ~~Secretary of Health~~. The State Surgeon General ~~Secretary of~~
1733 ~~Health~~ shall evaluate the determination of the department and
1734 shall inform the secretary of the department of his or her
1735 evaluation. Upon concurrence, the State Surgeon General ~~Secretary~~
1736 ~~of Health~~ shall take immediate corrective action.

1737 (5) Nothing in this section shall serve to negate the
1738 powers, duties, and responsibilities of the State Surgeon General
1739 ~~Secretary of Health~~ relating to the protection of the public from
1740 the spread of communicable disease, epidemics, and plagues.

1741 Section 55. Paragraph (c) of subsection (1) of section
1742 406.02, Florida Statutes, is amended to read:

20081682er

1743 406.02 Medical Examiners Commission; membership; terms;
1744 duties; staff.--

1745 (1) There is created the Medical Examiners Commission
1746 within the Department of Law Enforcement. The commission shall
1747 consist of nine persons appointed or selected as follows:

1748 (c) One member shall be the State Surgeon General ~~Secretary~~
1749 ~~of Health~~ or her or his designated representative.

1750 Section 56. Paragraph (d) of subsection (1) of section
1751 408.916, Florida Statutes, is amended to read:

1752 408.916 Steering committee.--In order to guide the
1753 implementation of the pilot project, there is created a Health
1754 Care Access Steering Committee.

1755 (1) The steering committee shall be composed of the
1756 following members:

1757 (d) The State Surgeon General ~~Secretary of Health~~.

1758 Section 57. Paragraph (a) of subsection (1) of section
1759 409.352, Florida Statutes, is amended to read:

1760 409.352 Licensing requirements for physicians, osteopathic
1761 physicians, and chiropractic physicians employed by the
1762 department.--

1763 (1) It is the intent of the Legislature that physicians
1764 providing services in state institutions meet the professional
1765 standards of their respective licensing boards and that such
1766 institutions make every reasonable effort to assure that all
1767 physicians employed are licensed, or will become licensed, in
1768 this state. When state-licensed physicians cannot be obtained in
1769 sufficient numbers to provide quality services, the licensing
1770 requirements in chapters 458, 459, and 460 to the contrary
1771 notwithstanding, persons employed as physicians, osteopathic

20081682er

1772 physicians, or chiropractic physicians in a state institution,
1773 except those under the control of the Department of Corrections
1774 on June 28, 1977, may be exempted from licensure in accordance
1775 with the following provisions:

1776 (a) No more than 10 percent of such persons shall be
1777 exempted from licensure during their continued employment in a
1778 state institution. Those persons who shall be so exempted shall
1779 be selected by the State Surgeon General ~~secretary of the~~
1780 ~~Department of Health~~. In making the selection, the State Surgeon
1781 General ~~secretary~~ shall submit his or her recommendations to the
1782 appropriate licensing board for a determination by the board,
1783 without written examination, of whether or not the person
1784 recommended meets the professional standards required of such
1785 person in the performance of his or her duties or functions. The
1786 criteria to be used by the respective board in making its
1787 determination shall include, but not be limited to, the person's
1788 professional educational background, formal specialty training,
1789 and professional experience within the 10 years immediately
1790 preceding employment by the state institution.

1791 Section 58. Subsection (4) of section 409.91255, Florida
1792 Statutes, is amended to read:

1793 409.91255 Federally qualified health center access
1794 program.--

1795 (4) EVALUATION OF APPLICATIONS.--A review panel shall be
1796 established, consisting of four persons appointed by the State
1797 Surgeon General ~~Secretary of Health~~ and three persons appointed
1798 by the chief executive officer of the Florida Association of
1799 Community Health Centers, Inc., to review all applications for
1800 financial assistance under the program. Applicants shall specify

20081682er

1801 | in the application whether the program funds will be used for the
1802 | expansion of patient caseloads or services or for capital
1803 | improvement projects to expand and improve patient facilities.
1804 | The panel shall use the following elements in reviewing
1805 | application proposals and shall determine the relative weight for
1806 | scoring and evaluating these elements:

1807 | (a) The target population to be served.

1808 | (b) The health benefits to be provided.

1809 | (c) The methods that will be used to measure cost-
1810 | effectiveness.

1811 | (d) How patient satisfaction will be measured.

1812 | (e) The proposed internal quality assurance process.

1813 | (f) Projected health status outcomes.

1814 | (g) How data will be collected to measure cost-
1815 | effectiveness, health status outcomes, and overall achievement of
1816 | the goals of the proposal.

1817 | (h) All resources, including cash, in-kind, voluntary, or
1818 | other resources that will be dedicated to the proposal.

1819 | Section 59. Paragraphs (b) and (f) of subsection (2) of
1820 | section 413.271, Florida Statutes, are amended to read:

1821 | 413.271 Florida Coordinating Council for the Deaf and Hard
1822 | of Hearing.--

1823 | (2)

1824 | (b) The coordinating council shall be composed of 17
1825 | members. The appointment of members not representing agencies
1826 | shall be made by the Governor. The appointment of members
1827 | representing organizations shall be made by the Governor in
1828 | consultation with those organizations. The membership shall be as
1829 | follows:

20081682er

- 1830 1. Two members representing the Florida Association of the
1831 Deaf.
- 1832 2. Two members representing the Florida Association of Self
1833 Help for Hard of Hearing People.
- 1834 3. A member representing the Association of Late-Deafened
1835 Adults.
- 1836 4. An individual who is deaf and blind.
- 1837 5. A parent of an individual who is deaf.
- 1838 6. A member representing the Deaf Service Center
1839 Association.
- 1840 7. A member representing the Florida Registry of
1841 Interpreters for the Deaf.
- 1842 8. A member representing the Florida Alexander Graham Bell
1843 Association for the Deaf and Hard of Hearing.
- 1844 9. A communication access realtime translator.
- 1845 10. An audiologist licensed under part I of chapter 468.
- 1846 11. A hearing aid specialist licensed under part II of
1847 chapter 484.
- 1848 12. The Secretary of Children and Family Services or his or
1849 her designee.
- 1850 13. The State Surgeon General ~~Secretary of Health~~ or his or
1851 her designee.
- 1852 14. The Commissioner of Education or his or her designee.
- 1853 15. The Secretary of Elderly Affairs or his or her
1854 designee.
- 1855
- 1856 If any organization from which a representative is to be drawn
1857 ceases to exist, a representative of a similar organization shall
1858 be named to the coordinating council. The Governor shall make

20081682er

1859 | appointments to the coordinating council no later than August 1,
1860 | 2004, and may remove any member for cause. Each member shall be
1861 | appointed to a term of 4 years. However, for the purpose of
1862 | providing staggered terms, of the initial appointments not
1863 | representing state agencies, seven members, including the
1864 | audiologist and the hearing aid specialist, shall be appointed to
1865 | 2-year terms and six members shall be appointed to 4-year terms.
1866 | Any vacancy on the coordinating council shall be filled in the
1867 | same manner as the original appointment, and any member appointed
1868 | to fill a vacancy occurring because of death, resignation, or
1869 | ineligibility for membership shall serve only for the unexpired
1870 | term of the member's predecessor. Prior to serving on the
1871 | coordinating council, all appointees must attend orientation
1872 | training that shall address, at a minimum, the provisions of this
1873 | section; the programs operated by the coordinating council; the
1874 | role and functions of the coordinating council; the current
1875 | budget for the coordinating council; the results of the most
1876 | recent formal audit of the coordinating council; and the
1877 | requirements of the state's public records law, the code of
1878 | ethics, the Administrative Procedure Act, and other laws relating
1879 | to public officials, including conflict-of-interest laws.

1880 | (f) Staff of the Department of Health shall be assigned by
1881 | the State Surgeon General ~~Secretary of Health~~ to assist the
1882 | council in the duties assigned to it by this section.

1883 | Section 60. Subsection (2) of section 420.622, Florida
1884 | Statutes, is amended to read:

1885 | 420.622 State Office on Homelessness; Council on
1886 | Homelessness.--

20081682er

1887 (2) The Council on Homelessness is created to consist of a
1888 15-member council of public and private agency representatives
1889 who shall develop policy and advise the State Office on
1890 Homelessness. The council members shall be: the Secretary of
1891 Children and Family Services, or his or her designee; the
1892 Secretary of Community Affairs, or his or her designee; the State
1893 Surgeon General ~~Secretary of Health~~, or his or her designee; the
1894 Executive Director of Veterans' Affairs, or his or her designee;
1895 the Secretary of Corrections, or his or her designee; the
1896 Director of Workforce Florida, Inc., or his or her designee; one
1897 representative of the Florida Association of Counties; one
1898 representative of the Florida Coalition for Supportive Housing;
1899 the Executive Director of the Florida Housing Finance
1900 Corporation, or his or her designee; one representative of the
1901 Florida Coalition for the Homeless; one representative of the
1902 Florida State Rural Development Council; and four members
1903 appointed by the Governor. The council members shall be
1904 volunteer, nonpaid persons and shall be reimbursed for travel
1905 expenses only. The appointed members of the council shall serve
1906 staggered 2-year terms, and the council shall meet at least four
1907 times per year. The importance of minority, gender, and
1908 geographic representation must be considered when appointing
1909 members to the council.

1910 Section 61. Section 456.005, Florida Statutes, is amended
1911 to read:

1912 456.005 Long-range policy planning; plans, reports, and
1913 recommendations.--To facilitate efficient and cost-effective
1914 regulation, the department and the board, where appropriate,
1915 shall develop and implement a long-range policy planning and

20081682er

1916 | monitoring process to include recommendations specific to each
1917 | profession. Such process shall include estimates of revenues,
1918 | expenditures, cash balances, and performance statistics for each
1919 | profession. The period covered shall not be less than 5 years.
1920 | The department, with input from the boards, shall develop the
1921 | long-range plan and must obtain the approval of the State Surgeon
1922 | General ~~secretary~~. The department shall monitor compliance with
1923 | the approved long-range plan and, with input from the boards,
1924 | shall annually update the plans for approval by the State Surgeon
1925 | General ~~secretary~~. The department shall provide concise
1926 | management reports to the boards quarterly. As part of the review
1927 | process, the department shall evaluate:

1928 | (1) Whether the department, including the boards and the
1929 | various functions performed by the department, is operating
1930 | efficiently and effectively and if there is a need for a board or
1931 | council to assist in cost-effective regulation.

1932 | (2) How and why the various professions are regulated.

1933 | (3) Whether there is a need to continue regulation, and to
1934 | what degree.

1935 | (4) Whether or not consumer protection is adequate, and how
1936 | it can be improved.

1937 | (5) Whether there is consistency between the various
1938 | practice acts.

1939 | (6) Whether unlicensed activity is adequately enforced.

1940 |

1941 | Such plans should include conclusions and recommendations on
1942 | these and other issues as appropriate. Such plans shall be
1943 | provided to the Governor and the Legislature by November 1 of
1944 | each year.

20081682er

1945 Section 62. Subsections (4) and (5) of section 456.011,
1946 Florida Statutes, are amended to read:

1947 456.011 Boards; organization; meetings; compensation and
1948 travel expenses.--

1949 (4) Unless otherwise provided by law, a board member or
1950 former board member serving on a probable cause panel shall be
1951 compensated \$50 for each day in attendance at an official meeting
1952 of the board and for each day of participation in any other
1953 business involving the board. Each board shall adopt rules
1954 defining the phrase "other business involving the board," but the
1955 phrase may not routinely be defined to include telephone
1956 conference calls that last less than 4 hours. A board member also
1957 shall be entitled to reimbursement for expenses pursuant to s.
1958 112.061. Travel out of state shall require the prior approval of
1959 the State Surgeon General ~~secretary~~.

1960 (5) When two or more boards have differences between them,
1961 the boards may elect to, or the State Surgeon General ~~secretary~~
1962 may request that the boards, establish a special committee to
1963 settle those differences. The special committee shall consist of
1964 three members designated by each board, who may be members of the
1965 designating board or other experts designated by the board, and
1966 of one additional person designated and agreed to by the members
1967 of the special committee. In the event the special committee
1968 cannot agree on the additional designee, upon request of the
1969 special committee, the State Surgeon General ~~secretary~~ may select
1970 the designee. The committee shall recommend rules necessary to
1971 resolve the differences. If a rule adopted pursuant to this
1972 provision is challenged, the participating boards shall share the
1973 costs associated with defending the rule or rules. The department

20081682er

1974 shall provide legal representation for any special committee
1975 established pursuant to this section.

1976 Section 63. Subsections (1) and (2) of section 456.012,
1977 Florida Statutes, are amended to read:

1978 456.012 Board rules; final agency action; challenges.--

1979 (1) The State Surgeon General ~~secretary of the department~~
1980 shall have standing to challenge any rule or proposed rule of a
1981 board under its jurisdiction pursuant to s. 120.56. In addition
1982 to challenges for any invalid exercise of delegated legislative
1983 authority, the administrative law judge, upon such a challenge by
1984 the State Surgeon General ~~secretary~~, may declare all or part of a
1985 rule or proposed rule invalid if it:

1986 (a) Does not protect the public from any significant and
1987 discernible harm or damages;

1988 (b) Unreasonably restricts competition or the availability
1989 of professional services in the state or in a significant part of
1990 the state; or

1991 (c) Unnecessarily increases the cost of professional
1992 services without a corresponding or equivalent public benefit.

1993
1994 However, there shall not be created a presumption of the
1995 existence of any of the conditions cited in this subsection in
1996 the event that the rule or proposed rule is challenged.

1997 (2) In addition, either the State Surgeon General ~~secretary~~
1998 or the board shall be a substantially interested party for
1999 purposes of s. 120.54(7). The board may, as an adversely affected
2000 party, initiate and maintain an action pursuant to s. 120.68
2001 challenging the final agency action.

20081682er

2002 Section 64. Paragraph (z) of subsection (1) of section
2003 456.072, Florida Statutes, is amended to read:

2004 456.072 Grounds for discipline; penalties; enforcement.--

2005 (1) The following acts shall constitute grounds for which
2006 the disciplinary actions specified in subsection (2) may be
2007 taken:

2008 (z) Being unable to practice with reasonable skill and
2009 safety to patients by reason of illness or use of alcohol, drugs,
2010 narcotics, chemicals, or any other type of material or as a
2011 result of any mental or physical condition. In enforcing this
2012 paragraph, the department shall have, upon a finding of the State
2013 Surgeon General ~~secretary~~ or the State Surgeon General's
2014 ~~secretary's~~ designee that probable cause exists to believe that
2015 the licensee is unable to practice because of the reasons stated
2016 in this paragraph, the authority to issue an order to compel a
2017 licensee to submit to a mental or physical examination by
2018 physicians designated by the department. If the licensee refuses
2019 to comply with the order, the department's order directing the
2020 examination may be enforced by filing a petition for enforcement
2021 in the circuit court where the licensee resides or does business.
2022 The department shall be entitled to the summary procedure
2023 provided in s. 51.011. A licensee or certificateholder affected
2024 under this paragraph shall at reasonable intervals be afforded an
2025 opportunity to demonstrate that he or she can resume the
2026 competent practice of his or her profession with reasonable skill
2027 and safety to patients.

2028 Section 65. Subsections (1), (4), and (8) of section
2029 456.073, Florida Statutes, are amended to read:

20081682er

2030 456.073 Disciplinary proceedings.--Disciplinary proceedings
2031 for each board shall be within the jurisdiction of the
2032 department.

2033 (1) The department, for the boards under its jurisdiction,
2034 shall cause to be investigated any complaint that is filed before
2035 it if the complaint is in writing, signed by the complainant, and
2036 legally sufficient. A complaint filed by a state prisoner against
2037 a health care practitioner employed by or otherwise providing
2038 health care services within a facility of the Department of
2039 Corrections is not legally sufficient unless there is a showing
2040 that the prisoner complainant has exhausted all available
2041 administrative remedies within the state correctional system
2042 before filing the complaint. However, if the Department of Health
2043 determines after a preliminary inquiry of a state prisoner's
2044 complaint that the practitioner may present a serious threat to
2045 the health and safety of any individual who is not a state
2046 prisoner, the Department of Health may determine legal
2047 sufficiency and proceed with discipline. The Department of Health
2048 shall be notified within 15 days after the Department of
2049 Corrections disciplines or allows a health care practitioner to
2050 resign for an offense related to the practice of his or her
2051 profession. A complaint is legally sufficient if it contains
2052 ultimate facts that show that a violation of this chapter, of any
2053 of the practice acts relating to the professions regulated by the
2054 department, or of any rule adopted by the department or a
2055 regulatory board in the department has occurred. In order to
2056 determine legal sufficiency, the department may require
2057 supporting information or documentation. The department may
2058 investigate, and the department or the appropriate board may take

20081682er

2059 | appropriate final action on, a complaint even though the original
2060 | complainant withdraws it or otherwise indicates a desire not to
2061 | cause the complaint to be investigated or prosecuted to
2062 | completion. The department may investigate an anonymous complaint
2063 | if the complaint is in writing and is legally sufficient, if the
2064 | alleged violation of law or rules is substantial, and if the
2065 | department has reason to believe, after preliminary inquiry, that
2066 | the violations alleged in the complaint are true. The department
2067 | may investigate a complaint made by a confidential informant if
2068 | the complaint is legally sufficient, if the alleged violation of
2069 | law or rule is substantial, and if the department has reason to
2070 | believe, after preliminary inquiry, that the allegations of the
2071 | complainant are true. The department may initiate an
2072 | investigation if it has reasonable cause to believe that a
2073 | licensee or a group of licensees has violated a Florida statute,
2074 | a rule of the department, or a rule of a board. Notwithstanding
2075 | subsection (13), the department may investigate information filed
2076 | pursuant to s. 456.041(4) relating to liability actions with
2077 | respect to practitioners licensed under chapter 458 or chapter
2078 | 459 which have been reported under s. 456.049 or s. 627.912
2079 | within the previous 6 years for any paid claim that exceeds
2080 | \$50,000. Except as provided in ss. 458.331(9), 459.015(9),
2081 | 460.413(5), and 461.013(6), when an investigation of any subject
2082 | is undertaken, the department shall promptly furnish to the
2083 | subject or the subject's attorney a copy of the complaint or
2084 | document that resulted in the initiation of the investigation.
2085 | The subject may submit a written response to the information
2086 | contained in such complaint or document within 20 days after
2087 | service to the subject of the complaint or document. The

20081682er

2088 | subject's written response shall be considered by the probable
2089 | cause panel. The right to respond does not prohibit the issuance
2090 | of a summary emergency order if necessary to protect the public.
2091 | However, if the State Surgeon General ~~secretary~~, or the State
2092 | Surgeon General's ~~secretary's~~ designee, and the chair of the
2093 | respective board or the chair of its probable cause panel agree
2094 | in writing that such notification would be detrimental to the
2095 | investigation, the department may withhold notification. The
2096 | department may conduct an investigation without notification to
2097 | any subject if the act under investigation is a criminal offense.

2098 | (4) The determination as to whether probable cause exists
2099 | shall be made by majority vote of a probable cause panel of the
2100 | board, or by the department, as appropriate. Each regulatory
2101 | board shall provide by rule that the determination of probable
2102 | cause shall be made by a panel of its members or by the
2103 | department. Each board may provide by rule for multiple probable
2104 | cause panels composed of at least two members. Each board may
2105 | provide by rule that one or more members of the panel or panels
2106 | may be a former board member. The length of term or repetition of
2107 | service of any such former board member on a probable cause panel
2108 | may vary according to the direction of the board when authorized
2109 | by board rule. Any probable cause panel must include one of the
2110 | board's former or present consumer members, if one is available,
2111 | is willing to serve, and is authorized to do so by the board
2112 | chair. Any probable cause panel must include a present board
2113 | member. Any probable cause panel must include a former or present
2114 | professional board member. However, any former professional board
2115 | member serving on the probable cause panel must hold an active
2116 | valid license for that profession. All proceedings of the panel

20081682er

2117 | are exempt from s. 286.011 until 10 days after probable cause has
2118 | been found to exist by the panel or until the subject of the
2119 | investigation waives his or her privilege of confidentiality. The
2120 | probable cause panel may make a reasonable request, and upon such
2121 | request the department shall provide such additional
2122 | investigative information as is necessary to the determination of
2123 | probable cause. A request for additional investigative
2124 | information shall be made within 15 days from the date of receipt
2125 | by the probable cause panel of the investigative report of the
2126 | department or the agency. The probable cause panel or the
2127 | department, as may be appropriate, shall make its determination
2128 | of probable cause within 30 days after receipt by it of the final
2129 | investigative report of the department. The State Surgeon General
2130 | ~~secretary~~ may grant extensions of the 15-day and the 30-day time
2131 | limits. In lieu of a finding of probable cause, the probable
2132 | cause panel, or the department if there is no board, may issue a
2133 | letter of guidance to the subject. If, within the 30-day time
2134 | limit, as may be extended, the probable cause panel does not make
2135 | a determination regarding the existence of probable cause or does
2136 | not issue a letter of guidance in lieu of a finding of probable
2137 | cause, the department must make a determination regarding the
2138 | existence of probable cause within 10 days after the expiration
2139 | of the time limit. If the probable cause panel finds that
2140 | probable cause exists, it shall direct the department to file a
2141 | formal complaint against the licensee. The department shall
2142 | follow the directions of the probable cause panel regarding the
2143 | filing of a formal complaint. If directed to do so, the
2144 | department shall file a formal complaint against the subject of
2145 | the investigation and prosecute that complaint pursuant to

20081682er

2146 chapter 120. However, the department may decide not to prosecute
2147 the complaint if it finds that probable cause has been
2148 improvidently found by the panel. In such cases, the department
2149 shall refer the matter to the board. The board may then file a
2150 formal complaint and prosecute the complaint pursuant to chapter
2151 120. The department shall also refer to the board any
2152 investigation or disciplinary proceeding not before the Division
2153 of Administrative Hearings pursuant to chapter 120 or otherwise
2154 completed by the department within 1 year after the filing of a
2155 complaint. The department, for disciplinary cases under its
2156 jurisdiction, must establish a uniform reporting system to
2157 quarterly refer to each board the status of any investigation or
2158 disciplinary proceeding that is not before the Division of
2159 Administrative Hearings or otherwise completed by the department
2160 within 1 year after the filing of the complaint. Annually, the
2161 department, in consultation with the applicable probable cause
2162 panel, must establish a plan to expedite or otherwise close any
2163 investigation or disciplinary proceeding that is not before the
2164 Division of Administrative Hearings or otherwise completed by the
2165 department within 1 year after the filing of the complaint. A
2166 probable cause panel or a board may retain independent legal
2167 counsel, employ investigators, and continue the investigation as
2168 it deems necessary; all costs thereof shall be paid from a trust
2169 fund used by the department to implement this chapter. All
2170 proceedings of the probable cause panel are exempt from s.
2171 120.525.

2172 (8) Any proceeding for the purpose of summary suspension of
2173 a license, or for the restriction of the license, of a licensee
2174 pursuant to s. 120.60(6) shall be conducted by the State Surgeon

20081682er

2175 ~~General secretary of the Department of Health~~ or his or her
2176 designee, as appropriate, who shall issue the final summary
2177 order.

2178 Section 66. Subsection (2) of section 456.074, Florida
2179 Statutes, is amended to read:

2180 456.074 Certain health care practitioners; immediate
2181 suspension of license.--

2182 (2) If the board has previously found any physician or
2183 osteopathic physician in violation of the provisions of s.
2184 458.331(1)(t) or s. 459.015(1)(x), in regard to her or his
2185 treatment of three or more patients, and the probable cause panel
2186 of the board finds probable cause of an additional violation of
2187 that section, then the State Surgeon General ~~Secretary of Health~~
2188 shall review the matter to determine if an emergency suspension
2189 or restriction order is warranted. Nothing in this section shall
2190 be construed so as to limit the authority of the State Surgeon
2191 General ~~secretary of the department~~ to issue an emergency order.

2192 Section 67. Paragraph (b) of subsection (5) of section
2193 456.076, Florida Statutes, is amended to read:

2194 456.076 Treatment programs for impaired practitioners.--

2195 (5)

2196 (b) If in the opinion of the consultant, after consultation
2197 with the treatment provider, an impaired licensee has not
2198 progressed satisfactorily in a treatment program, all information
2199 regarding the issue of a licensee's impairment and participation
2200 in a treatment program in the consultant's possession shall be
2201 disclosed to the department. Such disclosure shall constitute a
2202 complaint pursuant to the general provisions of s. 456.073.
2203 Whenever the consultant concludes that impairment affects a

20081682er

2204 | licensee's practice and constitutes an immediate, serious danger
2205 | to the public health, safety, or welfare, that conclusion shall
2206 | be communicated to the State Surgeon General ~~secretary of the~~
2207 | ~~department~~.

2208 | Section 68. Paragraph (o) of subsection (1) of section
2209 | 457.109, Florida Statutes, is amended to read:

2210 | 457.109 Disciplinary actions; grounds; action by the
2211 | board.--

2212 | (1) The following acts constitute grounds for denial of a
2213 | license or disciplinary action, as specified in s. 456.072(2):

2214 | (o) Being unable to practice acupuncture with reasonable
2215 | skill and safety to patients by reason of illness or use of
2216 | alcohol, drugs, narcotics, chemicals, or any other type of
2217 | material or as a result of any mental or physical condition. In
2218 | enforcing this paragraph, upon a finding of the State Surgeon
2219 | General ~~secretary~~ or the State Surgeon General's ~~secretary's~~
2220 | designee that probable cause exists to believe that the licensee
2221 | is unable to serve as an acupuncturist due to the reasons stated
2222 | in this paragraph, the department shall have the authority to
2223 | issue an order to compel the licensee to submit to a mental or
2224 | physical examination by a physician designated by the department.
2225 | If the licensee refuses to comply with such order, the
2226 | department's order directing such examination may be enforced by
2227 | filing a petition for enforcement in the circuit court where the
2228 | licensee resides or serves as an acupuncturist. The licensee
2229 | against whom the petition is filed shall not be named or
2230 | identified by initials in any public court record or document,
2231 | and the proceedings shall be closed to the public. The department
2232 | shall be entitled to the summary procedure provided in s. 51.011.

20081682er

2233 | An acupuncturist affected under this paragraph shall at
2234 | reasonable intervals be afforded an opportunity to demonstrate
2235 | that he or she can resume the competent practice of acupuncture
2236 | with reasonable skill and safety to patients. In any proceeding
2237 | under this paragraph, neither the record of proceedings nor the
2238 | orders entered by the department shall be used against an
2239 | acupuncturist in any other proceeding.

2240 | Section 69. Subsection (4) of section 458.311, Florida
2241 | Statutes, is amended to read:

2242 | 458.311 Licensure by examination; requirements; fees.--

2243 | (4) The department and the board shall assure that
2244 | applicants for licensure meet the criteria in subsection (1)
2245 | through an investigative process. When the investigative process
2246 | is not completed within the time set out in s. 120.60(1) and the
2247 | department or board has reason to believe that the applicant does
2248 | not meet the criteria, the State Surgeon General ~~secretary~~ or the
2249 | State Surgeon General's ~~secretary's~~ designee may issue a 90-day
2250 | licensure delay which shall be in writing and sufficient to
2251 | notify the applicant of the reason for the delay. The provisions
2252 | of this subsection shall control over any conflicting provisions
2253 | of s. 120.60(1).

2254 | Section 70. Subsection (3) of section 458.313, Florida
2255 | Statutes, is amended to read:

2256 | 458.313 Licensure by endorsement; requirements; fees.--

2257 | (3) The department and the board shall ensure that
2258 | applicants for licensure by endorsement meet applicable criteria
2259 | in this chapter through an investigative process. When the
2260 | investigative process is not completed within the time set out in
2261 | s. 120.60(1) and the department or board has reason to believe

20081682er

2262 that the applicant does not meet the criteria, the State Surgeon
2263 General ~~secretary~~ or the State Surgeon General's ~~secretary's~~
2264 designee may issue a 90-day licensure delay which shall be in
2265 writing and sufficient to notify the applicant of the reason for
2266 the delay. The provisions of this subsection shall control over
2267 any conflicting provisions of s. 120.60(1).

2268 Section 71. Paragraph (b) of subsection (2) of section
2269 458.316, Florida Statutes, is amended to read:

2270 458.316 Public health certificate.--

2271 (2) Such certificate shall be issued pursuant to the
2272 following conditions:

2273 (b) The certificate is subject to biennial renewal and
2274 shall be renewable only if the State Surgeon General ~~secretary of~~
2275 ~~the Department of Health~~ recommends in writing that the
2276 certificate be renewed.

2277 Section 72. Paragraph (b) of subsection (1) of section
2278 458.3165, Florida Statutes, is amended to read:

2279 458.3165 Public psychiatry certificate.--The board shall
2280 issue a public psychiatry certificate to an individual who remits
2281 an application fee not to exceed \$300, as set by the board, who
2282 is a board-certified psychiatrist, who is licensed to practice
2283 medicine without restriction in another state, and who meets the
2284 requirements in s. 458.311(1)(a)-(g) and (5). A recipient of a
2285 public psychiatry certificate may use the certificate to work at
2286 any public mental health facility or program funded in part or
2287 entirely by state funds.

2288 (1) Such certificate shall:

2289 (b) Be issued and renewable biennially if the State Surgeon
2290 General ~~secretary of the Department of Health~~ and the chair of

20081682er

2291 | the department of psychiatry at one of the public medical schools
2292 | or the chair of the department of psychiatry at the accredited
2293 | medical school at the University of Miami recommend in writing
2294 | that the certificate be issued or renewed.

2295 | Section 73. Paragraph (s) of subsection (1) of section
2296 | 458.331, Florida Statutes, is amended to read:

2297 | 458.331 Grounds for disciplinary action; action by the
2298 | board and department.--

2299 | (1) The following acts constitute grounds for denial of a
2300 | license or disciplinary action, as specified in s. 456.072(2):

2301 | (s) Being unable to practice medicine with reasonable skill
2302 | and safety to patients by reason of illness or use of alcohol,
2303 | drugs, narcotics, chemicals, or any other type of material or as
2304 | a result of any mental or physical condition. In enforcing this
2305 | paragraph, the department shall have, upon a finding of the State
2306 | Surgeon General ~~secretary~~ or the State Surgeon General's
2307 | ~~secretary's~~ designee that probable cause exists to believe that
2308 | the licensee is unable to practice medicine because of the
2309 | reasons stated in this paragraph, the authority to issue an order
2310 | to compel a licensee to submit to a mental or physical
2311 | examination by physicians designated by the department. If the
2312 | licensee refuses to comply with such order, the department's
2313 | order directing such examination may be enforced by filing a
2314 | petition for enforcement in the circuit court where the licensee
2315 | resides or does business. The licensee against whom the petition
2316 | is filed may not be named or identified by initials in any public
2317 | court records or documents, and the proceedings shall be closed
2318 | to the public. The department shall be entitled to the summary
2319 | procedure provided in s. 51.011. A licensee or certificateholder

20081682er

2320 affected under this paragraph shall at reasonable intervals be
2321 afforded an opportunity to demonstrate that he or she can resume
2322 the competent practice of medicine with reasonable skill and
2323 safety to patients.

2324 Section 74. Subsection (2) of section 458.346, Florida
2325 Statutes, is amended to read:

2326 458.346 Public Sector Physician Advisory Committee.--

2327 (2) PUBLIC SECTOR PHYSICIAN ADVISORY COMMITTEE.--There is
2328 hereby created a Public Sector Physician Advisory Committee which
2329 shall be comprised of three physicians. One physician shall be
2330 appointed by the chair of the Board of Medicine. The two
2331 remaining physicians shall be appointed by the State Surgeon
2332 General ~~secretary of the department~~ from recommendations of the
2333 appropriate organization, if any, representing such physicians
2334 for the purpose of collective bargaining. The chair of the
2335 committee shall be one of the two public sector physicians who
2336 shall be elected by majority vote of the committee members.
2337 Members of the committee shall serve 3-year terms and shall meet
2338 at least once each year or upon the call of the committee chair.
2339 The initial term for one public sector physician shall be for 2
2340 years, and the other for 3 years. Members of the committee are
2341 subject to reappointment. Committee members shall receive
2342 reimbursement for per diem and travel expenses.

2343 Section 75. Paragraph (f) of subsection (4) and paragraph
2344 (a) of subsection (9) of section 458.347, Florida Statutes, are
2345 amended to read:

2346 458.347 Physician assistants.--

2347 (4) PERFORMANCE OF PHYSICIAN ASSISTANTS.--

20081682er

2348 (f)1. The council shall establish a formulary of medicinal
2349 drugs that a fully licensed physician assistant, licensed under
2350 this section or s. 459.022, may not prescribe. The formulary must
2351 include controlled substances as defined in chapter 893,
2352 antipsychotics, general anesthetics and radiographic contrast
2353 materials, and all parenteral preparations except insulin and
2354 epinephrine.

2355 2. In establishing the formulary, the council shall consult
2356 with a pharmacist licensed under chapter 465, but not licensed
2357 under this chapter or chapter 459, who shall be selected by the
2358 State Surgeon General ~~Secretary of Health~~.

2359 3. Only the council shall add to, delete from, or modify
2360 the formulary. Any person who requests an addition, deletion, or
2361 modification of a medicinal drug listed on such formulary has the
2362 burden of proof to show cause why such addition, deletion, or
2363 modification should be made.

2364 4. The boards shall adopt the formulary required by this
2365 paragraph, and each addition, deletion, or modification to the
2366 formulary, by rule. Notwithstanding any provision of chapter 120
2367 to the contrary, the formulary rule shall be effective 60 days
2368 after the date it is filed with the Secretary of State. Upon
2369 adoption of the formulary, the department shall mail a copy of
2370 such formulary to each fully licensed physician assistant,
2371 licensed under this section or s. 459.022, and to each pharmacy
2372 licensed by the state. The boards shall establish, by rule, a fee
2373 not to exceed \$200 to fund the provisions of this paragraph and
2374 paragraph (e).

2375 (9) COUNCIL ON PHYSICIAN ASSISTANTS.--The Council on
2376 Physician Assistants is created within the department.

20081682er

2377 (a) The council shall consist of five members appointed as
2378 follows:

2379 1. The chairperson of the Board of Medicine shall appoint
2380 three members who are physicians and members of the Board of
2381 Medicine. One of the physicians must supervise a physician
2382 assistant in the physician's practice.

2383 2. The chairperson of the Board of Osteopathic Medicine
2384 shall appoint one member who is a physician and a member of the
2385 Board of Osteopathic Medicine.

2386 3. The State Surgeon General ~~secretary of the department~~ or
2387 his or her designee shall appoint a fully licensed physician
2388 assistant licensed under this chapter or chapter 459.

2389 Section 76. Subsection (6) of section 459.0055, Florida
2390 Statutes, is amended to read:

2391 459.0055 General licensure requirements.--

2392 (6) When the investigative process is not completed within
2393 the time set out in s. 120.60(1) and the department or board has
2394 reason to believe that the applicant does not meet the criteria,
2395 the State Surgeon General ~~secretary~~ or the State Surgeon
2396 General's ~~secretary's~~ designee may issue a 90-day licensure delay
2397 which shall be in writing and sufficient to notify the applicant
2398 of the reason for the delay. The provisions of this subsection
2399 shall control over any conflicting provisions of s. 120.60(1).

2400 Section 77. Paragraph (w) of subsection (1) of section
2401 459.015, Florida Statutes, is amended to read:

2402 459.015 Grounds for disciplinary action; action by the
2403 board and department.--

2404 (1) The following acts constitute grounds for denial of a
2405 license or disciplinary action, as specified in s. 456.072(2):

20081682er

2406 (w) Being unable to practice osteopathic medicine with
2407 reasonable skill and safety to patients by reason of illness or
2408 use of alcohol, drugs, narcotics, chemicals, or any other type of
2409 material or as a result of any mental or physical condition. In
2410 enforcing this paragraph, the department shall, upon a finding of
2411 the State Surgeon General ~~secretary~~ or the State Surgeon
2412 General's ~~secretary's~~ designee that probable cause exists to
2413 believe that the licensee is unable to practice medicine because
2414 of the reasons stated in this paragraph, have the authority to
2415 issue an order to compel a licensee to submit to a mental or
2416 physical examination by physicians designated by the department.
2417 If the licensee refuses to comply with such order, the
2418 department's order directing such examination may be enforced by
2419 filing a petition for enforcement in the circuit court where the
2420 licensee resides or does business. The licensee against whom the
2421 petition is filed shall not be named or identified by initials in
2422 any public court records or documents, and the proceedings shall
2423 be closed to the public. The department shall be entitled to the
2424 summary procedure provided in s. 51.011. A licensee or
2425 certificateholder affected under this paragraph shall at
2426 reasonable intervals be afforded an opportunity to demonstrate
2427 that he or she can resume the competent practice of medicine with
2428 reasonable skill and safety to patients.

2429 Section 78. Paragraph (a) of subsection (9) of section
2430 459.022, Florida Statutes, is amended to read:

2431 459.022 Physician assistants.--

2432 (9) COUNCIL ON PHYSICIAN ASSISTANTS.--The Council on
2433 Physician Assistants is created within the department.

20081682er

2434 (a) The council shall consist of five members appointed as
2435 follows:

2436 1. The chairperson of the Board of Medicine shall appoint
2437 three members who are physicians and members of the Board of
2438 Medicine. One of the physicians must supervise a physician
2439 assistant in the physician's practice.

2440 2. The chairperson of the Board of Osteopathic Medicine
2441 shall appoint one member who is a physician and a member of the
2442 Board of Osteopathic Medicine.

2443 3. The State Surgeon General ~~secretary of the department~~ or
2444 her or his designee shall appoint a fully licensed physician
2445 assistant licensed under chapter 458 or this chapter.

2446 Section 79. Paragraph (q) of subsection (1) of section
2447 460.413, Florida Statutes, is amended to read:

2448 460.413 Grounds for disciplinary action; action by board or
2449 department.--

2450 (1) The following acts constitute grounds for denial of a
2451 license or disciplinary action, as specified in s. 456.072(2):

2452 (q) Being unable to practice chiropractic medicine with
2453 reasonable skill and safety to patients by reason of illness or
2454 use of alcohol, drugs, narcotics, chemicals, or any other type of
2455 material or as a result of any mental or physical condition. In
2456 enforcing this paragraph, upon a finding by the State Surgeon
2457 General ~~secretary of the department~~, or his or her designee, or
2458 the probable cause panel of the board that probable cause exists
2459 to believe that the licensee is unable to practice the profession
2460 because of reasons stated in this paragraph, the department shall
2461 have the authority to compel a licensee to submit to a mental or
2462 physical examination by a physician designated by the department.

20081682er

2463 | If the licensee refuses to comply with the department's order,
2464 | the department may file a petition for enforcement in the circuit
2465 | court of the circuit in which the licensee resides or does
2466 | business. The department shall be entitled to the summary
2467 | procedure provided in s. 51.011. The record of proceedings to
2468 | obtain a compelled mental or physical examination shall not be
2469 | used against a licensee in any other proceedings. A chiropractic
2470 | physician affected under this paragraph shall at reasonable
2471 | intervals be afforded an opportunity to demonstrate that she or
2472 | he can resume the competent practice of chiropractic medicine
2473 | with reasonable skill and safety to patients.

2474 | Section 80. Subsection (4) of section 461.004, Florida
2475 | Statutes, is amended to read:

2476 | 461.004 Board of Podiatric Medicine; membership;
2477 | appointment; terms.--

2478 | (4) All provisions of chapter 456 relating to the board
2479 | shall apply. However, notwithstanding the requirement of s.
2480 | 456.073(4) that the board provide by rule for the determination
2481 | of probable cause by a panel composed of its members or by the
2482 | department, the board may provide by rule that its probable cause
2483 | panel may be composed of one current member of the board and one
2484 | past member of the board, as long as the past member is a
2485 | licensed podiatric physician in good standing. The past board
2486 | member must be appointed to the panel by the chair of the board
2487 | with the approval of the State Surgeon General ~~secretary~~ for a
2488 | maximum of 2 years.

2489 | Section 81. Paragraphs (a) and (c) of subsection (2) of
2490 | section 463.0055, Florida Statutes, are amended to read:

20081682er

2491 463.0055 Administration and prescription of topical ocular
2492 pharmaceutical agents; committee.--

2493 (2) (a) There is hereby created a committee composed of two
2494 optometrists licensed pursuant to this chapter, appointed by the
2495 Board of Optometry, two board-certified ophthalmologists licensed
2496 pursuant to chapter 458 or chapter 459, appointed by the Board of
2497 Medicine, and one additional person with a doctorate degree in
2498 pharmacology who is not licensed pursuant to chapter 458, chapter
2499 459, or this chapter, appointed by the State Surgeon General
2500 ~~secretary~~. The committee shall review requests for additions to,
2501 deletions from, or modifications of a formulary of topical ocular
2502 pharmaceutical agents for administration and prescription by
2503 certified optometrists and shall provide to the board advisory
2504 opinions and recommendations on such requests. The formulary
2505 shall consist of those topical ocular pharmaceutical agents which
2506 the certified optometrist is qualified to use in the practice of
2507 optometry. The board shall establish, add to, delete from, or
2508 modify the formulary by rule. Notwithstanding any provision of
2509 chapter 120 to the contrary, the formulary rule shall become
2510 effective 60 days from the date it is filed with the Secretary of
2511 State.

2512 (c) The State Surgeon General ~~secretary of the department~~
2513 shall have standing to challenge any rule or proposed rule of the
2514 board pursuant to s. 120.56. In addition to challenges for any
2515 invalid exercise of delegated legislative authority, the
2516 administrative law judge, upon such a challenge by the State
2517 Surgeon General ~~secretary~~, may declare all or part of a rule or
2518 proposed rule invalid if it:

20081682er

2519 1. Does not protect the public from any significant and
2520 discernible harm or damages;

2521 2. Unreasonably restricts competition or the availability
2522 of professional services in the state or in a significant part of
2523 the state; or

2524 3. Unnecessarily increases the cost of professional
2525 services without a corresponding or equivalent public benefit.

2526
2527 However, there shall not be created a presumption of the
2528 existence of any of the conditions cited in this subsection in
2529 the event that the rule or proposed rule is challenged.

2530 Section 82. Paragraph (d) of subsection (3) of section
2531 464.003, Florida Statutes, is amended to read:

2532 464.003 Definitions.--As used in this part, the term:

2533 (3)

2534 (d) "Advanced or specialized nursing practice" means, in
2535 addition to the practice of professional nursing, the performance
2536 of advanced-level nursing acts approved by the board which, by
2537 virtue of postbasic specialized education, training, and
2538 experience, are appropriately performed by an advanced registered
2539 nurse practitioner. Within the context of advanced or specialized
2540 nursing practice, the advanced registered nurse practitioner may
2541 perform acts of nursing diagnosis and nursing treatment of
2542 alterations of the health status. The advanced registered nurse
2543 practitioner may also perform acts of medical diagnosis and
2544 treatment, prescription, and operation which are identified and
2545 approved by a joint committee composed of three members appointed
2546 by the Board of Nursing, two of whom must be advanced registered
2547 nurse practitioners; three members appointed by the Board of

20081682er

2548 Medicine, two of whom must have had work experience with advanced
2549 registered nurse practitioners; and the State Surgeon General
2550 ~~secretary of the department~~ or the State Surgeon General's
2551 ~~secretary's~~ designee. Each committee member appointed by a board
2552 shall be appointed to a term of 4 years unless a shorter term is
2553 required to establish or maintain staggered terms. The Board of
2554 Nursing shall adopt rules authorizing the performance of any such
2555 acts approved by the joint committee. Unless otherwise specified
2556 by the joint committee, such acts must be performed under the
2557 general supervision of a practitioner licensed under chapter 458,
2558 chapter 459, or chapter 466 within the framework of standing
2559 protocols which identify the medical acts to be performed and the
2560 conditions for their performance. The department may, by rule,
2561 require that a copy of the protocol be filed with the department
2562 along with the notice required by s. 458.348.

2563 Section 83. Paragraph (j) of subsection (1) of section
2564 464.018, Florida Statutes, is amended to read:

2565 464.018 Disciplinary actions.--

2566 (1) The following acts constitute grounds for denial of a
2567 license or disciplinary action, as specified in s. 456.072(2):

2568 (j) Being unable to practice nursing with reasonable skill
2569 and safety to patients by reason of illness or use of alcohol,
2570 drugs, narcotics, or chemicals or any other type of material or
2571 as a result of any mental or physical condition. In enforcing
2572 this paragraph, the department shall have, upon a finding of the
2573 State Surgeon General ~~secretary~~ or the State Surgeon General's
2574 ~~secretary's~~ designee that probable cause exists to believe that
2575 the licensee is unable to practice nursing because of the reasons
2576 stated in this paragraph, the authority to issue an order to

20081682er

2577 | compel a licensee to submit to a mental or physical examination
2578 | by physicians designated by the department. If the licensee
2579 | refuses to comply with such order, the department's order
2580 | directing such examination may be enforced by filing a petition
2581 | for enforcement in the circuit court where the licensee resides
2582 | or does business. The licensee against whom the petition is filed
2583 | shall not be named or identified by initials in any public court
2584 | records or documents, and the proceedings shall be closed to the
2585 | public. The department shall be entitled to the summary procedure
2586 | provided in s. 51.011. A nurse affected by the provisions of this
2587 | paragraph shall at reasonable intervals be afforded an
2588 | opportunity to demonstrate that she or he can resume the
2589 | competent practice of nursing with reasonable skill and safety to
2590 | patients.

2591 | Section 84. Paragraph (c) of subsection (1) of section
2592 | 464.2085, Florida Statutes, is amended to read:

2593 | 464.2085 Council on Certified Nursing Assistants.--The
2594 | Council on Certified Nursing Assistants is created within the
2595 | department, under the Board of Nursing.

2596 | (1) The council shall consist of five members appointed as
2597 | follows:

2598 | (c) The State Surgeon General ~~secretary of the department~~
2599 | or his or her designee shall appoint two certified nursing
2600 | assistants currently certified under this chapter, at least one
2601 | of whom is currently working in a licensed nursing home.

2602 | Section 85. Paragraph (c) of subsection (2) of section
2603 | 466.004, Florida Statutes, is amended to read:

2604 | 466.004 Board of Dentistry.--

20081682er

2605 (2) To advise the board, it is the intent of the
2606 Legislature that councils be appointed as specified in paragraphs
2607 (a), (b), and (c). The department shall provide administrative
2608 support to the councils and shall provide public notice of
2609 meetings and agenda of the councils. Councils shall include at
2610 least one board member who shall chair the council and shall
2611 include nonboard members. All council members shall be appointed
2612 by the board chair. Council members shall be appointed for 4-year
2613 terms, and all members shall be eligible for reimbursement of
2614 expenses in the manner of board members.

2615 (c) With the concurrence of the State Surgeon General
2616 ~~secretary~~, the board chair may create and abolish other advisory
2617 councils relating to dental subjects, including, but not limited
2618 to: examinations, access to dental care, indigent care, nursing
2619 home and institutional care, public health, disciplinary
2620 guidelines, and other subjects as appropriate. Such councils
2621 shall be appointed by the board chair and shall include at least
2622 one board member who shall serve as chair.

2623 Section 86. Paragraph (s) of subsection (1) of section
2624 466.028, Florida Statutes, is amended to read:

2625 466.028 Grounds for disciplinary action; action by the
2626 board.--

2627 (1) The following acts constitute grounds for denial of a
2628 license or disciplinary action, as specified in s. 456.072(2):

2629 (s) Being unable to practice her or his profession with
2630 reasonable skill and safety to patients by reason of illness or
2631 use of alcohol, drugs, narcotics, chemicals, or any other type of
2632 material or as a result of any mental or physical condition. In
2633 enforcing this paragraph, the department shall have, upon a

20081682er

2634 finding of the State Surgeon General ~~secretary~~ or her or his
2635 designee that probable cause exists to believe that the licensee
2636 is unable to practice dentistry or dental hygiene because of the
2637 reasons stated in this paragraph, the authority to issue an order
2638 to compel a licensee to submit to a mental or physical
2639 examination by physicians designated by the department. If the
2640 licensee refuses to comply with such order, the department's
2641 order directing such examination may be enforced by filing a
2642 petition for enforcement in the circuit court where the licensee
2643 resides or does business. The licensee against whom the petition
2644 is filed shall not be named or identified by initials in any
2645 public court records or documents, and the proceedings shall be
2646 closed to the public. The department shall be entitled to the
2647 summary procedure provided in s. 51.011. A licensee affected
2648 under this paragraph shall at reasonable intervals be afforded an
2649 opportunity to demonstrate that she or he can resume the
2650 competent practice of her or his profession with reasonable skill
2651 and safety to patients.

2652 Section 87. Subsection (14) of section 467.003, Florida
2653 Statutes, is repealed.

2654 Section 88. Subsection (1) of section 467.004, Florida
2655 Statutes, is amended to read:

2656 467.004 Council of Licensed Midwifery.--

2657 (1) The Council of Licensed Midwifery is created within the
2658 department and shall consist of nine members to be appointed by
2659 the State Surgeon General ~~secretary~~.

2660 Section 89. Paragraph (aa) of subsection (1) of section
2661 468.1295, Florida Statutes, is amended to read:

2662 468.1295 Disciplinary proceedings.--

20081682er

2663 (1) The following acts constitute grounds for denial of a
2664 license or disciplinary action, as specified in s. 456.072(2):

2665 (aa) Being unable to practice the profession for which he
2666 or she is licensed or certified under this chapter with
2667 reasonable skill or competence as a result of any mental or
2668 physical condition or by reason of illness, drunkenness, or use
2669 of drugs, narcotics, chemicals, or any other substance. In
2670 enforcing this paragraph, upon a finding by the State Surgeon
2671 General ~~secretary~~, his or her designee, or the board that
2672 probable cause exists to believe that the licensee or
2673 certificateholder is unable to practice the profession because of
2674 the reasons stated in this paragraph, the department shall have
2675 the authority to compel a licensee or certificateholder to submit
2676 to a mental or physical examination by a physician, psychologist,
2677 clinical social worker, marriage and family therapist, or mental
2678 health counselor designated by the department or board. If the
2679 licensee or certificateholder refuses to comply with the
2680 department's order directing the examination, such order may be
2681 enforced by filing a petition for enforcement in the circuit
2682 court in the circuit in which the licensee or certificateholder
2683 resides or does business. The department shall be entitled to the
2684 summary procedure provided in s. 51.011. A licensee or
2685 certificateholder affected under this paragraph shall at
2686 reasonable intervals be afforded an opportunity to demonstrate
2687 that he or she can resume the competent practice for which he or
2688 she is licensed or certified with reasonable skill and safety to
2689 patients.

2690 Section 90. Paragraph (1) of subsection (1) of section
2691 468.1755, Florida Statutes, is amended to read:

20081682er

2692 468.1755 Disciplinary proceedings.--

2693 (1) The following acts constitute grounds for denial of a
2694 license or disciplinary action, as specified in s. 456.072(2):

2695 (1) Being unable to practice nursing home administration
2696 with reasonable skill and safety to patients by reason of
2697 illness, drunkenness, use of drugs, narcotics, chemicals, or any
2698 other material or substance or as a result of any mental or
2699 physical condition. In enforcing this paragraph, upon a finding
2700 of the State Surgeon General ~~secretary~~ or his or her designee
2701 that probable cause exists to believe that the licensee is unable
2702 to serve as a nursing home administrator due to the reasons
2703 stated in this paragraph, the department shall have the authority
2704 to issue an order to compel the licensee to submit to a mental or
2705 physical examination by a physician designated by the department.
2706 If the licensee refuses to comply with such order, the
2707 department's order directing such examination may be enforced by
2708 filing a petition for enforcement in the circuit court where the
2709 licensee resides or serves as a nursing home administrator. The
2710 licensee against whom the petition is filed shall not be named or
2711 identified by initials in any public court records or documents,
2712 and the proceedings shall be closed to the public. The department
2713 shall be entitled to the summary procedure provided in s. 51.011.
2714 A licensee affected under this paragraph shall have the
2715 opportunity, at reasonable intervals, to demonstrate that he or
2716 she can resume the competent practice of nursing home
2717 administration with reasonable skill and safety to patients.

2718 Section 91. Subsection (18) of section 468.301, Florida
2719 Statutes, is repealed.

20081682er

2720 Section 92. Subsections (1) and (3) of section 468.314,
2721 Florida Statutes, are amended to read:

2722 468.314 Advisory Council on Radiation Protection;
2723 appointment; terms; powers; duties.--

2724 (1) The Advisory Council on Radiation Protection is created
2725 within the Department of Health and shall consist of 16 persons
2726 to be appointed by the State Surgeon General ~~secretary~~ for 3-year
2727 terms.

2728 (3) The council shall meet at least twice a year, but no
2729 more than four times per year unless authorized by the State
2730 Surgeon General ~~secretary~~.

2731 Section 93. Paragraph (c) of subsection (4) of section
2732 468.354, Florida Statutes, is amended to read:

2733 468.354 Board of Respiratory Care; organization;
2734 function.--

2735 (4)

2736 (c) Unless otherwise provided by law, a board member shall
2737 be compensated \$50 for each day he or she attends an official
2738 board meeting and for each day he or she participates in any
2739 other board business. A board member shall also be entitled to
2740 reimbursement for expenses pursuant to s. 112.061. Travel out of
2741 the state shall require the prior approval of the State Surgeon
2742 General ~~secretary of the department~~.

2743 Section 94. Section 468.506, Florida Statutes, is amended
2744 to read:

2745 468.506 Dietetics and Nutrition Practice Council.--There is
2746 created the Dietetics and Nutrition Practice Council under the
2747 supervision of the board. The council shall consist of four
2748 persons licensed under this part and one consumer who is 60 years

20081682er

2749 of age or older. Council members shall be appointed by the board.
2750 Licensed members shall be appointed based on the proportion of
2751 licensees within each of the respective disciplines. Members
2752 shall be appointed for 4-year staggered terms. In order to be
2753 eligible for appointment, each licensed member must have been a
2754 licensee under this part for at least 3 years prior to his or her
2755 appointment. No council member shall serve more than two
2756 successive terms. The board may delegate such powers and duties
2757 to the council as it may deem proper to carry out the operations
2758 and procedures necessary to effectuate the provisions of this
2759 part. However, the powers and duties delegated to the council by
2760 the board must encompass both dietetics and nutrition practice
2761 and nutrition counseling. Any time there is a vacancy on the
2762 council, any professional association composed of persons
2763 licensed under this part may recommend licensees to fill the
2764 vacancy to the board in a number at least twice the number of
2765 vacancies to be filled, and the board may appoint from the
2766 submitted list, in its discretion, any of those persons so
2767 recommended. Any professional association composed of persons
2768 licensed under this part may file an appeal regarding a council
2769 appointment with the State Surgeon General ~~secretary of the~~
2770 ~~department~~, whose decision shall be final. The board shall fix
2771 council members' compensation and pay their expenses in the same
2772 manner as provided in s. 456.011.

2773 Section 95. Paragraph (c) of subsection (4) of section
2774 478.44, Florida Statutes, is amended to read:

2775 478.44 Electrolysis Council; creation; function; powers and
2776 duties.--

2777 (4)

20081682er

2778 (c) Unless otherwise provided by law, a council member
2779 shall be compensated \$50 for each day the member attends an
2780 official meeting of the council or participates in official
2781 council business. A council member is also entitled to
2782 reimbursement for expenses pursuant to s. 112.061. Travel out of
2783 state requires the prior approval of the State Surgeon General
2784 ~~Secretary of Health~~.

2785 Section 96. Subsection (5) of section 480.042, Florida
2786 Statutes, is amended to read:

2787 480.042 Examinations.--

2788 (5) All licensing examinations shall be conducted in such
2789 manner that the applicant shall be known to the department by
2790 number until her or his examination is completed and the proper
2791 grade determined. An accurate record of each examination shall be
2792 made; and that record, together with all examination papers,
2793 shall be filed with the State Surgeon General ~~secretary of the~~
2794 ~~department~~ and shall be kept for reference and inspection for a
2795 period of not less than 2 years immediately following the
2796 examination.

2797 Section 97. Paragraph (1) of subsection (1) of section
2798 483.825, Florida Statutes, is amended to read:

2799 483.825 Grounds for disciplinary action.--

2800 (1) The following acts constitute grounds for denial of a
2801 license or disciplinary action, as specified in s. 456.072(2):

2802 (1) Being unable to perform or report clinical laboratory
2803 examinations with reasonable skill and safety to patients by
2804 reason of illness or use of alcohol, drugs, narcotics, chemicals,
2805 or any other type of material or as a result of any mental or
2806 physical condition. In enforcing this paragraph, the department

20081682er

2807 shall have, upon a finding of the State Surgeon General ~~secretary~~
2808 or his or her designee that probable cause exists to believe that
2809 the licensee is unable to practice because of the reasons stated
2810 in this paragraph, the authority to issue an order to compel a
2811 licensee to submit to a mental or physical examination by
2812 physicians designated by the department. If the licensee refuses
2813 to comply with such order, the department's order directing such
2814 examination may be enforced by filing a petition for enforcement
2815 in the circuit court where the licensee resides or does business.
2816 The department shall be entitled to the summary procedure
2817 provided in s. 51.011. A licensee affected under this paragraph
2818 shall at reasonable intervals be afforded an opportunity to
2819 demonstrate that he or she can resume competent practice with
2820 reasonable skill and safety to patients.

2821 Section 98. Paragraphs (a), (b), (c), (d), (e), and (g) of
2822 subsection (4) of section 483.901, Florida Statutes, are amended
2823 to read:

2824 483.901 Medical physicists; definitions; licensure.--

2825 (4) COUNCIL.--The Advisory Council of Medical Physicists is
2826 created in the Department of Health to advise the department in
2827 regulating the practice of medical physics in this state.

2828 (a) The council shall be composed of nine members appointed
2829 by the State Surgeon General ~~secretary of the department~~ as
2830 follows:

2831 1. A licensed medical physicist who specializes in
2832 diagnostic radiological physics.

2833 2. A licensed medical physicist who specializes in
2834 therapeutic radiological physics.

20081682er

2835 3. A licensed medical physicist who specializes in medical
2836 nuclear radiological physics.

2837 4. A physician who is board certified by the American Board
2838 of Radiology or its equivalent.

2839 5. A physician who is board certified by the American
2840 Osteopathic Board of Radiology or its equivalent.

2841 6. A chiropractic physician who practices radiology.

2842 7. Three consumer members who are not, and have never been,
2843 licensed as a medical physicist or licensed in any closely
2844 related profession.

2845 (b) The State Surgeon General ~~secretary of the department~~
2846 shall appoint the medical physicist members of the council from a
2847 list of candidates who are licensed to practice medical physics.

2848 (c) The State Surgeon General ~~secretary of the department~~
2849 shall appoint the physician members of the council from a list of
2850 candidates who are licensed to practice medicine in this state
2851 and are board certified in diagnostic radiology, therapeutic
2852 radiology, or radiation oncology.

2853 (d) The State Surgeon General ~~secretary of the department~~
2854 shall appoint the public members of the council.

2855 (e) As the term of each member expires, the State Surgeon
2856 General ~~secretary of the department~~ shall appoint the successor
2857 for a term of 4 years. A member shall serve until the member's
2858 successor is appointed, unless physically unable to do so.

2859 (g) If a vacancy on the council occurs, the State Surgeon
2860 General ~~secretary~~ shall appoint a member to serve for a 4-year
2861 term.

2862 Section 99. Subsection (4) of section 484.042, Florida
2863 Statutes, is amended to read:

20081682er

2864 484.042 Board of Hearing Aid Specialists; membership,
2865 appointment, terms.--

2866 (4) All provisions of chapter 456 relating to activities of
2867 regulatory boards apply to the board. However, notwithstanding
2868 the requirement of s. 456.073(4) that the board provide by rule
2869 for the determination of probable cause by a panel composed of
2870 its members or by the department, the board may provide by rule
2871 that its probable cause panel may be composed of one current
2872 member of the board and one past member of the board, as long as
2873 the past member is a licensed hearing aid specialist in good
2874 standing. The past board member shall be appointed to the panel
2875 for a maximum of 2 years by the chair of the board with the
2876 approval of the State Surgeon General ~~secretary~~.

2877 Section 100. Paragraph (a) of subsection (1) of section
2878 486.125, Florida Statutes, is amended to read:

2879 486.125 Refusal, revocation, or suspension of license;
2880 administrative fines and other disciplinary measures.--

2881 (1) The following acts constitute grounds for denial of a
2882 license or disciplinary action, as specified in s. 456.072(2):

2883 (a) Being unable to practice physical therapy with
2884 reasonable skill and safety to patients by reason of illness or
2885 use of alcohol, drugs, narcotics, chemicals, or any other type of
2886 material or as a result of any mental or physical condition.

2887 1. In enforcing this paragraph, upon a finding of the State
2888 Surgeon General ~~secretary~~ or the State Surgeon General's
2889 ~~secretary's~~ designee that probable cause exists to believe that
2890 the licensee is unable to practice physical therapy due to the
2891 reasons stated in this paragraph, the department shall have the
2892 authority to compel a physical therapist or physical therapist

20081682er

2893 | assistant to submit to a mental or physical examination by a
2894 | physician designated by the department. If the licensee refuses
2895 | to comply with such order, the department's order directing such
2896 | examination may be enforced by filing a petition for enforcement
2897 | in the circuit court where the licensee resides or serves as a
2898 | physical therapy practitioner. The licensee against whom the
2899 | petition is filed shall not be named or identified by initials in
2900 | any public court records or documents, and the proceedings shall
2901 | be closed to the public. The department shall be entitled to the
2902 | summary procedure provided in s. 51.011.

2903 | 2. A physical therapist or physical therapist assistant
2904 | whose license is suspended or revoked pursuant to this subsection
2905 | shall, at reasonable intervals, be given an opportunity to
2906 | demonstrate that she or he can resume the competent practice of
2907 | physical therapy with reasonable skill and safety to patients.

2908 | 3. Neither the record of proceeding nor the orders entered
2909 | by the board in any proceeding under this subsection may be used
2910 | against a physical therapist or physical therapist assistant in
2911 | any other proceeding.

2912 | Section 101. Subsection (3) of section 487.041, Florida
2913 | Statutes, is amended to read:

2914 | 487.041 Registration.--

2915 | (3) The department shall adopt rules governing the
2916 | procedures for the registration of a brand of pesticide and for
2917 | the review of data submitted by an applicant for registration of
2918 | the brand of pesticide. The department shall determine whether
2919 | the brand of pesticide should be registered, registered with
2920 | conditions, or tested under field conditions in this state. The
2921 | department shall determine whether each request for registration

20081682er

2922 | of a brand of pesticide meets the requirements of current state
2923 | and federal law. The department, whenever it deems it necessary
2924 | in the administration of this part, may require the manufacturer
2925 | or registrant to submit the complete formula, quantities shipped
2926 | into or manufactured in the state for distribution and sale,
2927 | evidence of the efficacy and the safety of any pesticide, and
2928 | other relevant data. The department may review and evaluate a
2929 | registered pesticide if new information is made available that
2930 | indicates that use of the pesticide has caused an unreasonable
2931 | adverse effect on public health or the environment. Such review
2932 | shall be conducted upon the request of the State Surgeon General
2933 | ~~Secretary of Health~~ in the event of an unreasonable adverse
2934 | effect on public health or the Secretary of Environmental
2935 | Protection in the event of an unreasonable adverse effect on the
2936 | environment. Such review may result in modifications, revocation,
2937 | cancellation, or suspension of the registration of a brand of
2938 | pesticide. The department, for reasons of adulteration,
2939 | misbranding, or other good cause, may refuse or revoke the
2940 | registration of the brand of any pesticide after notice to the
2941 | applicant or registrant giving the reason for the decision. The
2942 | applicant may then request a hearing, pursuant to chapter 120, on
2943 | the intention of the department to refuse or revoke registration,
2944 | and, upon his or her failure to do so, the refusal or revocation
2945 | shall become final without further procedure. The registration of
2946 | a brand of pesticide may not be construed as a defense for the
2947 | commission of any offense prohibited under this part.

2948 | Section 102. Paragraph (p) of subsection (1) of section
2949 | 490.009, Florida Statutes, is amended to read:

2950 | 490.009 Discipline.--

20081682er

2951 (1) The following acts constitute grounds for denial of a
2952 license or disciplinary action, as specified in s. 456.072(2):

2953 (p) Being unable to practice the profession for which he or
2954 she is licensed under this chapter with reasonable skill or
2955 competence as a result of any mental or physical condition or by
2956 reason of illness; drunkenness; or excessive use of drugs,
2957 narcotics, chemicals, or any other substance. In enforcing this
2958 paragraph, upon a finding by the State Surgeon General ~~secretary~~,
2959 the State Surgeon General's ~~secretary's~~ designee, or the board
2960 that probable cause exists to believe that the licensee is unable
2961 to practice the profession because of the reasons stated in this
2962 paragraph, the department shall have the authority to compel a
2963 licensee to submit to a mental or physical examination by
2964 psychologists or physicians designated by the department or
2965 board. If the licensee refuses to comply with the department's
2966 order, the department may file a petition for enforcement in the
2967 circuit court of the circuit in which the licensee resides or
2968 does business. The licensee shall not be named or identified by
2969 initials in the petition or in any other public court records or
2970 documents, and the enforcement proceedings shall be closed to the
2971 public. The department shall be entitled to the summary procedure
2972 provided in s. 51.011. A licensee affected under this paragraph
2973 shall be afforded an opportunity at reasonable intervals to
2974 demonstrate that he or she can resume the competent practice for
2975 which he or she is licensed with reasonable skill and safety to
2976 patients.

2977 Section 103. Paragraph (p) of subsection (1) of section
2978 491.009, Florida Statutes, is amended to read:

2979 491.009 Discipline.--

20081682er

2980 (1) The following acts constitute grounds for denial of a
2981 license or disciplinary action, as specified in s. 456.072(2):

2982 (p) Being unable to practice the profession for which he or
2983 she is licensed, registered, or certified under this chapter with
2984 reasonable skill or competence as a result of any mental or
2985 physical condition or by reason of illness; drunkenness; or
2986 excessive use of drugs, narcotics, chemicals, or any other
2987 substance. In enforcing this paragraph, upon a finding by the
2988 State Surgeon General ~~secretary~~, the State Surgeon General's
2989 ~~secretary's~~ designee, or the board that probable cause exists to
2990 believe that the licensee, registered intern, or
2991 certificateholder is unable to practice the profession because of
2992 the reasons stated in this paragraph, the department shall have
2993 the authority to compel a licensee, registered intern, or
2994 certificateholder to submit to a mental or physical examination
2995 by psychologists, physicians, or other licensees under this
2996 chapter, designated by the department or board. If the licensee,
2997 registered intern, or certificateholder refuses to comply with
2998 such order, the department's order directing the examination may
2999 be enforced by filing a petition for enforcement in the circuit
3000 court in the circuit in which the licensee, registered intern, or
3001 certificateholder resides or does business. The licensee,
3002 registered intern, or certificateholder against whom the petition
3003 is filed shall not be named or identified by initials in any
3004 public court records or documents, and the proceedings shall be
3005 closed to the public. The department shall be entitled to the
3006 summary procedure provided in s. 51.011. A licensee, registered
3007 intern, or certificateholder affected under this paragraph shall
3008 at reasonable intervals be afforded an opportunity to demonstrate

20081682er

3009 | that he or she can resume the competent practice for which he or
3010 | she is licensed, registered, or certified with reasonable skill
3011 | and safety to patients.

3012 | Section 104. Paragraph (a) of subsection (1) of section
3013 | 499.012, Florida Statutes, is amended to read:

3014 | 499.012 Wholesale distribution; definitions; permits;
3015 | applications; general requirements.--

3016 | (1) As used in this section, the term:

3017 | (a) "Wholesale distribution" means distribution of
3018 | prescription drugs to persons other than a consumer or patient,
3019 | but does not include:

3020 | 1. Any of the following activities, which is not a
3021 | violation of s. 499.005(21) if such activity is conducted in
3022 | accordance with s. 499.014:

3023 | a. The purchase or other acquisition by a hospital or other
3024 | health care entity that is a member of a group purchasing
3025 | organization of a prescription drug for its own use from the
3026 | group purchasing organization or from other hospitals or health
3027 | care entities that are members of that organization.

3028 | b. The sale, purchase, or trade of a prescription drug or
3029 | an offer to sell, purchase, or trade a prescription drug by a
3030 | charitable organization described in s. 501(c)(3) of the Internal
3031 | Revenue Code of 1986, as amended and revised, to a nonprofit
3032 | affiliate of the organization to the extent otherwise permitted
3033 | by law.

3034 | c. The sale, purchase, or trade of a prescription drug or
3035 | an offer to sell, purchase, or trade a prescription drug among
3036 | hospitals or other health care entities that are under common
3037 | control. For purposes of this section, "common control" means the

20081682er

3038 | power to direct or cause the direction of the management and
3039 | policies of a person or an organization, whether by ownership of
3040 | stock, by voting rights, by contract, or otherwise.

3041 | d. The sale, purchase, trade, or other transfer of a
3042 | prescription drug from or for any federal, state, or local
3043 | government agency or any entity eligible to purchase prescription
3044 | drugs at public health services prices pursuant to Pub. L. No.
3045 | 102-585, s. 602 to a contract provider or its subcontractor for
3046 | eligible patients of the agency or entity under the following
3047 | conditions:

3048 | (I) The agency or entity must obtain written authorization
3049 | for the sale, purchase, trade, or other transfer of a
3050 | prescription drug under this sub-subparagraph from the State
3051 | Surgeon General ~~Secretary of Health~~ or his or her designee.

3052 | (II) The contract provider or subcontractor must be
3053 | authorized by law to administer or dispense prescription drugs.

3054 | (III) In the case of a subcontractor, the agency or entity
3055 | must be a party to and execute the subcontract.

3056 | (IV) A contract provider or subcontractor must maintain
3057 | separate and apart from other prescription drug inventory any
3058 | prescription drugs of the agency or entity in its possession.

3059 | (V) The contract provider and subcontractor must maintain
3060 | and produce immediately for inspection all records of movement or
3061 | transfer of all the prescription drugs belonging to the agency or
3062 | entity, including, but not limited to, the records of receipt and
3063 | disposition of prescription drugs. Each contractor and
3064 | subcontractor dispensing or administering these drugs must
3065 | maintain and produce records documenting the dispensing or
3066 | administration. Records that are required to be maintained

20081682er

3067 | include, but are not limited to, a perpetual inventory itemizing
3068 | drugs received and drugs dispensed by prescription number or
3069 | administered by patient identifier, which must be submitted to
3070 | the agency or entity quarterly.

3071 | (VI) The contract provider or subcontractor may administer
3072 | or dispense the prescription drugs only to the eligible patients
3073 | of the agency or entity or must return the prescription drugs for
3074 | or to the agency or entity. The contract provider or
3075 | subcontractor must require proof from each person seeking to fill
3076 | a prescription or obtain treatment that the person is an eligible
3077 | patient of the agency or entity and must, at a minimum, maintain
3078 | a copy of this proof as part of the records of the contractor or
3079 | subcontractor required under sub-sub-subparagraph (V).

3080 | (VII) In addition to the departmental inspection authority
3081 | set forth in s. 499.051, the establishment of the contract
3082 | provider and subcontractor and all records pertaining to
3083 | prescription drugs subject to this sub-subparagraph shall be
3084 | subject to inspection by the agency or entity. All records
3085 | relating to prescription drugs of a manufacturer under this sub-
3086 | subparagraph shall be subject to audit by the manufacturer of
3087 | those drugs, without identifying individual patient information.

3088 | 2. Any of the following activities, which is not a
3089 | violation of s. 499.005(21) if such activity is conducted in
3090 | accordance with rules established by the department:

3091 | a. The sale, purchase, or trade of a prescription drug
3092 | among federal, state, or local government health care entities
3093 | that are under common control and are authorized to purchase such
3094 | prescription drug.

20081682er

3095 b. The sale, purchase, or trade of a prescription drug or
3096 an offer to sell, purchase, or trade a prescription drug for
3097 emergency medical reasons. For purposes of this sub-subparagraph,
3098 the term "emergency medical reasons" includes transfers of
3099 prescription drugs by a retail pharmacy to another retail
3100 pharmacy to alleviate a temporary shortage.

3101 c. The transfer of a prescription drug acquired by a
3102 medical director on behalf of a licensed emergency medical
3103 services provider to that emergency medical services provider and
3104 its transport vehicles for use in accordance with the provider's
3105 license under chapter 401.

3106 d. The revocation of a sale or the return of a prescription
3107 drug to the person's prescription drug wholesale supplier.

3108 e. The donation of a prescription drug by a health care
3109 entity to a charitable organization that has been granted an
3110 exemption under s. 501(c)(3) of the Internal Revenue Code of
3111 1986, as amended, and that is authorized to possess prescription
3112 drugs.

3113 f. The transfer of a prescription drug by a person
3114 authorized to purchase or receive prescription drugs to a person
3115 licensed or permitted to handle reverse distributions or
3116 destruction under the laws of the jurisdiction in which the
3117 person handling the reverse distribution or destruction receives
3118 the drug.

3119 g. The transfer of a prescription drug by a hospital or
3120 other health care entity to a person licensed under this chapter
3121 to repackage prescription drugs for the purpose of repackaging
3122 the prescription drug for use by that hospital, or other health
3123 care entity and other health care entities that are under common

20081682er

3124 control, if ownership of the prescription drugs remains with the
3125 hospital or other health care entity at all times. In addition to
3126 the recordkeeping requirements of s. 499.0121(6), the hospital or
3127 health care entity that transfers prescription drugs pursuant to
3128 this sub-subparagraph must reconcile all drugs transferred and
3129 returned and resolve any discrepancies in a timely manner.

3130 3. The distribution of prescription drug samples by
3131 manufacturers' representatives or distributors' representatives
3132 conducted in accordance with s. 499.028.

3133 4. The sale, purchase, or trade of blood and blood
3134 components intended for transfusion. As used in this
3135 subparagraph, the term "blood" means whole blood collected from a
3136 single donor and processed either for transfusion or further
3137 manufacturing, and the term "blood components" means that part of
3138 the blood separated by physical or mechanical means.

3139 5. The lawful dispensing of a prescription drug in
3140 accordance with chapter 465.

3141 6. The sale, purchase, or trade of a prescription drug
3142 between pharmacies as a result of a sale, transfer, merger, or
3143 consolidation of all or part of the business of the pharmacies
3144 from or with another pharmacy, whether accomplished as a purchase
3145 and sale of stock or of business assets.

3146 Section 105. Subsection (2) of section 499.01211, Florida
3147 Statutes, is amended to read:

3148 499.01211 Drug Wholesaler Advisory Council.--

3149 (2) The State Surgeon General ~~secretary of the department,~~
3150 or his or her designee, and the Secretary of Health Care
3151 Administration, or her or his designee, shall be members of the
3152 council. The State Surgeon General ~~Secretary of Health~~ shall

20081682er

3153 | appoint nine additional members to the council who shall be
3154 | appointed to a term of 4 years each, as follows:

3155 | (a) Three different persons each of whom is employed by a
3156 | different prescription drug wholesaler licensed under this
3157 | chapter which operates nationally and is a primary wholesaler, as
3158 | defined in s. 499.012(1)(d).

3159 | (b) One person employed by a prescription drug wholesaler
3160 | licensed under this chapter which is a secondary wholesaler, as
3161 | defined in s. 499.012(1)(f).

3162 | (c) One person employed by a retail pharmacy chain located
3163 | in this state.

3164 | (d) One person who is a member of the Board of Pharmacy and
3165 | is a pharmacist licensed under chapter 465.

3166 | (e) One person who is a physician licensed pursuant to
3167 | chapter 458 or chapter 459.

3168 | (f) One person who is an employee of a hospital licensed
3169 | pursuant to chapter 395 and is a pharmacist licensed pursuant to
3170 | chapter 465.

3171 | (g) One person who is an employee of a pharmaceutical
3172 | manufacturer.

3173 | Section 106. Section 499.024, Florida Statutes, is amended
3174 | to read:

3175 | 499.024 Drug product classification.--The State Surgeon
3176 | General ~~secretary~~ shall adopt rules to classify drug products
3177 | intended for use by humans which the United States Food and Drug
3178 | Administration has not classified in the federal act or the Code
3179 | of Federal Regulations.

3180 | (1) Drug products must be classified as proprietary,
3181 | prescription, or investigational drugs.

20081682er

3182 (2) If a product is distributed without required labeling,
3183 it is misbranded while held for sale.

3184 (3) Any product that falls under the drug definition, s.
3185 499.003(17), may be classified under the authority of this
3186 section. This section does not subject portable emergency oxygen
3187 inhalators to classification; however, this section does not
3188 exempt any person from ss. 499.01 and 499.015.

3189 (4) Any product classified under the authority of this
3190 section reverts to the federal classification, if different, upon
3191 the federal regulation or act becoming effective.

3192 (5) The department may by rule reclassify drugs subject to
3193 ss. 499.001-499.081 when such classification action is necessary
3194 to protect the public health.

3195 (6) The department may adopt rules that exempt from any
3196 labeling or packaging requirements of ss. 499.001-499.081 drugs
3197 classified under this section if those requirements are not
3198 necessary to protect the public health.

3199 Section 107. Subsection (2) of section 499.065, Florida
3200 Statutes, is amended to read:

3201 499.065 Imminent danger.--

3202 (2) To protect the public from prescription drugs that are
3203 adulterated or otherwise unfit for human or animal consumption,
3204 the department may examine, sample, seize, and stop the sale or
3205 use of prescription drugs to determine the condition of those
3206 drugs. The department may immediately seize and remove any
3207 prescription drugs if the State Surgeon General ~~Secretary of~~
3208 ~~Health~~ or his or her designee determines that the prescription
3209 drugs represent a threat to the public health. The owner of any
3210 property seized under this section may, within 10 days after the

20081682er

3211 seizure, apply to a court of competent jurisdiction for whatever
3212 relief is appropriate. At any time after 10 days, the department
3213 may destroy the drugs as contraband.

3214
3215 For purposes of this section, a refusal to allow entry to the
3216 department for inspection at reasonable times, or a failure or
3217 refusal to provide the department with required documentation for
3218 purposes of inspection, constitutes an imminent danger to the
3219 public health.

3220 Section 108. Subsection (1) of section 500.033, Florida
3221 Statutes, is amended to read:

3222 500.033 Florida Food Safety and Food Defense Advisory
3223 Council.--

3224 (1) There is created the Florida Food Safety and Food
3225 Defense Advisory Council for the purpose of serving as a forum
3226 for presenting, investigating, and evaluating issues of current
3227 importance to the assurance of a safe and secure food supply to
3228 the citizens of Florida. The Florida Food Safety and Food Defense
3229 Advisory Council shall consist of, but not be limited to: the
3230 Commissioner of Agriculture or his or her designee; the State
3231 Surgeon General ~~Secretary of Health~~ or his or her designee; the
3232 Secretary of Business and Professional Regulation or his or her
3233 designee; the person responsible for domestic security with the
3234 Department of Law Enforcement; members representing the
3235 production, processing, distribution, and sale of foods;
3236 consumers or members of citizens groups; representatives of food
3237 industry groups; scientists or other experts in aspects of food
3238 safety from state universities; representatives from local,
3239 state, and federal agencies that are charged with

20081682er

3240 responsibilities for food safety or food defense; the chairs of
3241 the Agriculture Committees of the Senate and the House of
3242 Representatives or their designees; and the chairs of the
3243 committees of the Senate and the House of Representatives with
3244 jurisdictional oversight of home defense issues or their
3245 designees. The Commissioner of Agriculture shall appoint the
3246 remaining members. The council shall make periodic reports to the
3247 Department of Agriculture and Consumer Services concerning
3248 findings and recommendations in the area of food safety and food
3249 defense.

3250 Section 109. Section 514.0231, Florida Statutes, is amended
3251 to read:

3252 514.0231 Advisory committee to oversee sampling of beach
3253 waters.--The Department of Health shall form an interagency
3254 technical advisory committee to oversee the performance of the
3255 study required in s. 514.023 and to advise it in rulemaking
3256 pertaining to standards for public bathing places along the
3257 coastal and intracoastal beaches and shores of the state.
3258 Membership on the committee shall consist of equal numbers of
3259 staff of the Department of Health and the Department of
3260 Environmental Protection with expertise in the subject matter of
3261 the study. Members shall be appointed by the State Surgeon
3262 General and the Secretary of Environmental Protection ~~respective~~
3263 ~~secretaries of these departments~~. The committee shall be chaired
3264 by a representative from the Department of Health.

3265 Section 110. Section 768.1326, Florida Statutes, is amended
3266 to read:

3267 768.1326 Placement of automated external defibrillators in
3268 state buildings; rulemaking authority.--No later than January 1,

20081682er

3269 | 2003, the State Surgeon General ~~Secretary of the Department of~~
3270 | ~~Health~~ shall adopt rules to establish guidelines on the
3271 | appropriate placement of automated external defibrillator devices
3272 | in buildings or portions of buildings owned or leased by the
3273 | state, and shall establish, by rule, recommendations on
3274 | procedures for the deployment of automated external defibrillator
3275 | devices in such buildings in accordance with the guidelines. The
3276 | Secretary of Management Services shall assist the State Surgeon
3277 | General ~~Secretary of the Department of Health~~ in the development
3278 | of the guidelines. The guidelines for the placement of the
3279 | automated external defibrillators shall take into account the
3280 | typical number of employees and visitors in the buildings, the
3281 | extent of the need for security measures regarding the buildings,
3282 | special circumstances in buildings or portions of buildings such
3283 | as high electrical voltages or extreme heat or cold, and such
3284 | other factors as the State Surgeon General and Secretary of
3285 | Management Services ~~Secretaries~~ determine to be appropriate. The
3286 | State Surgeon General's ~~Secretary of the Department of Health's~~
3287 | recommendations for deployment of automated external
3288 | defibrillators in buildings or portions of buildings owned or
3289 | leased by the state shall include:

3290 | (1) A reference list of appropriate training courses in the
3291 | use of such devices, including the role of cardiopulmonary
3292 | resuscitation;

3293 | (2) The extent to which such devices may be used by
3294 | laypersons;

3295 | (3) Manufacturer recommended maintenance and testing of the
3296 | devices; and

20081682er

3297 (4) Coordination with local emergency medical services
3298 systems regarding the incidents of use of the devices.

3299
3300 In formulating these guidelines and recommendations, the State
3301 Surgeon General ~~Secretary~~ may consult with all appropriate public
3302 and private entities, including national and local public health
3303 organizations that seek to improve the survival rates of
3304 individuals who experience cardiac arrest.

3305 Section 111. Paragraph (a) of subsection (1) and paragraph
3306 (a) of subsection (4) of section 943.0313, Florida Statutes, are
3307 amended to read:

3308 943.0313 Domestic Security Oversight Council.--The
3309 Legislature finds that there exists a need to provide executive
3310 direction and leadership with respect to terrorism prevention,
3311 preparation, protection, response, and recovery efforts by state
3312 and local agencies in this state. In recognition of this need,
3313 the Domestic Security Oversight Council is hereby created. The
3314 council shall serve as an advisory council pursuant to s.
3315 20.03(7) to provide guidance to the state's regional domestic
3316 security task forces and other domestic security working groups
3317 and to make recommendations to the Governor and the Legislature
3318 regarding the expenditure of funds and allocation of resources
3319 related to counter-terrorism and domestic security efforts.

3320 (1) MEMBERSHIP.--

3321 (a) The Domestic Security Oversight Council shall consist
3322 of the following voting members:

3323 1. The executive director of the Department of Law
3324 Enforcement.

20081682er

- 3325 2. The director of the Division of Emergency Management
3326 within the Department of Community Affairs.
- 3327 3. The Attorney General.
- 3328 4. The Commissioner of Agriculture.
- 3329 5. The State Surgeon General ~~Secretary of Health~~.
- 3330 6. The Commissioner of Education.
- 3331 7. The State Fire Marshal.
- 3332 8. The adjutant general of the Florida National Guard.
- 3333 9. The state chief information officer.
- 3334 10. Each sheriff or chief of police who serves as a co-
3335 chair of a regional domestic security task force pursuant to s.
3336 943.0312(1)(b).
- 3337 11. Each of the department's special agents in charge who
3338 serve as a co-chair of a regional domestic security task force.
- 3339 12. Two representatives of the Florida Fire Chiefs
3340 Association.
- 3341 13. One representative of the Florida Police Chiefs
3342 Association.
- 3343 14. One representative of the Florida Prosecuting Attorneys
3344 Association.
- 3345 15. The chair of the Statewide Domestic Security
3346 Intelligence Committee.
- 3347 16. One representative of the Florida Hospital Association.
- 3348 17. One representative of the Emergency Medical Services
3349 Advisory Council.
- 3350 18. One representative of the Florida Emergency
3351 Preparedness Association.
- 3352 19. One representative of the Florida Seaport
3353 Transportation and Economic Development Council.

20081682er

3354 (4) EXECUTIVE COMMITTEE.--

3355 (a) The council shall establish an executive committee
3356 consisting of the following members:

3357 1. The executive director of the Department of Law
3358 Enforcement.

3359 2. The director of the Division of Emergency Management
3360 within the Department of Community Affairs.

3361 3. The Attorney General.

3362 4. The Commissioner of Agriculture.

3363 5. The State Surgeon General ~~Secretary of Health~~.

3364 6. The Commissioner of Education.

3365 7. The State Fire Marshal.

3366 Section 112. Paragraph (f) of subsection (3) of section
3367 1004.435, Florida Statutes, is repealed, and paragraph (b) of
3368 subsection (3), paragraphs (d), (h), (j), (l), (n), and (o) of
3369 subsection (4), subsection (5), and paragraph (b) of subsection
3370 (6) of that section are amended to read:

3371 1004.435 Cancer control and research.--

3372 (3) DEFINITIONS.--The following words and phrases when used
3373 in this section have, unless the context clearly indicates
3374 otherwise, the meanings given to them in this subsection:

3375 (b) "Council" means the Florida Cancer Control and Research
3376 Advisory Council, which is an advisory body appointed to function
3377 on a continuing basis for the study of cancer and which
3378 recommends solutions and policy alternatives to the Board of
3379 Governors and the State Surgeon General ~~secretary~~ and which is
3380 established by this section.

3381 (4) FLORIDA CANCER CONTROL AND RESEARCH ADVISORY COUNCIL;
3382 CREATION; COMPOSITION.--

20081682er

3383 (d) The council shall meet no less than semiannually at the
3384 call of the chairperson or, in his or her absence or incapacity,
3385 at the call of the State Surgeon General ~~secretary~~. Sixteen
3386 members constitute a quorum for the purpose of exercising all of
3387 the powers of the council. A vote of the majority of the members
3388 present is sufficient for all actions of the council.

3389 (h) The council shall advise the Board of Governors, the
3390 State Surgeon General ~~secretary~~, and the Legislature with respect
3391 to cancer control and research in this state.

3392 (j) The council shall formulate and recommend to the State
3393 Surgeon General ~~secretary~~ a plan for the care and treatment of
3394 persons suffering from cancer and recommend the establishment of
3395 standard requirements for the organization, equipment, and
3396 conduct of cancer units or departments in hospitals and clinics
3397 in this state. The council may recommend to the State Surgeon
3398 General ~~secretary~~ the designation of cancer units following a
3399 survey of the needs and facilities for treatment of cancer in the
3400 various localities throughout the state. The State Surgeon
3401 General ~~secretary~~ shall consider the plan in developing
3402 departmental priorities and funding priorities and standards
3403 under chapter 395.

3404 (l) In order to implement in whole or in part the Florida
3405 Cancer Plan, the council shall recommend to the Board of
3406 Governors or the State Surgeon General ~~secretary~~ the awarding of
3407 grants and contracts to qualified profit or nonprofit
3408 associations or governmental agencies in order to plan,
3409 establish, or conduct programs in cancer control or prevention,
3410 cancer education and training, and cancer research.

20081682er

3411 (n) The council shall have the responsibility to advise the
3412 Board of Governors and the State Surgeon General ~~secretary~~ on
3413 methods of enforcing and implementing laws already enacted and
3414 concerned with cancer control, research, and education.

3415 (o) The council may recommend to the Board of Governors or
3416 the State Surgeon General ~~secretary~~ rules not inconsistent with
3417 law as it may deem necessary for the performance of its duties
3418 and the proper administration of this section.

3419 (5) RESPONSIBILITIES OF THE BOARD OF GOVERNORS, THE H. LEE
3420 MOFFITT CANCER CENTER AND RESEARCH INSTITUTE, INC., AND THE STATE
3421 SURGEON GENERAL ~~SECRETARY~~.--

3422 (a) The Board of Governors or the State Surgeon General
3423 ~~secretary~~, after consultation with the council, shall award
3424 grants and contracts to qualified nonprofit associations and
3425 governmental agencies in order to plan, establish, or conduct
3426 programs in cancer control and prevention, cancer education and
3427 training, and cancer research.

3428 (b) The H. Lee Moffitt Cancer Center and Research
3429 Institute, Inc., shall provide such staff, information, and other
3430 assistance as reasonably necessary for the completion of the
3431 responsibilities of the council.

3432 (c) The Board of Governors or the State Surgeon General
3433 ~~secretary~~, after consultation with the council, may adopt rules
3434 necessary for the implementation of this section.

3435 (d) The State Surgeon General ~~secretary~~, after consultation
3436 with the council, shall make rules specifying to what extent and
3437 on what terms and conditions cancer patients of the state may
3438 receive financial aid for the diagnosis and treatment of cancer
3439 in any hospital or clinic selected. The department may furnish to

20081682er

3440 citizens of this state who are afflicted with cancer financial
3441 aid to the extent of the appropriation provided for that purpose
3442 in a manner which in its opinion will afford the greatest benefit
3443 to those afflicted and may make arrangements with hospitals,
3444 laboratories, or clinics to afford proper care and treatment for
3445 cancer patients in this state.

3446 (6) FLORIDA CANCER CONTROL AND RESEARCH FUND.--

3447 (b) The fund shall be used exclusively for grants and
3448 contracts to qualified nonprofit associations or governmental
3449 agencies for the purpose of cancer control and prevention, cancer
3450 education and training, cancer research, and all expenses
3451 incurred in connection with the administration of this section
3452 and the programs funded through the grants and contracts
3453 authorized by the State Board of Education or the State Surgeon
3454 General ~~secretary~~.

3455 Reviser's note.--Amended pursuant to the directive of the
3456 Legislature in s. 3, ch. 2007-40, Laws of Florida, to
3457 conform the statutes to the redesignation of the Secretary
3458 of Health as the State Surgeon General by s. 1, ch. 2007-40.
3459 Section 113. This act shall take effect on the 60th day
3460 after adjournment sine die of the session of the Legislature in
3461 which enacted.