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1 A bill to be entitled
2 An act relating to public health; amending s. 381.006,
3 F.S.; limiting application of the environmental health
4 program of the Department of Health to state institutions
5 for the mentally ill rather than all institutions used for
6 the incarceration of prisoners and inmates; amending s.
7 381.86, F.S.; revising responsibilities of the
8 Institutional Review Board; amending s. 381.98, F.S.;
9 changing the name of the Florida Public Health Foundation,
10 Inc., to the Florida Public Health Institute, Inc.;
11 providing that the purpose of the institute is to advance
12 the knowledge and practice of public health, including
13 promoting health awareness in this state; providing for
14 the objectives of the institute; requiring that the
15 institute be established as a not-for-profit entity
16 qualifying under s. 501(c)(3) of the Internal Revenue
17 Code; providing for the duties of the institute; providing
18 that affairs of the institute be managed by an executive
19 director appointed by a board of directors; providing for
20 membership on the board of directors; requiring the
21 institute to present an annual report concerning its
22 activities and finances to the Governor, the President of
23 the Senate, and the Speaker of the House of
24 Representatives; repealing s. 381.85, F.S., the Florida
25 Biomedical and Social Research Act; repealing s. 381.895,
26 F.S., relating to standards for compressed air used for
27 recreational diving; providing an effective date.

28
29 Be It Enacted by the Legislature of the State of Florida:

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30
31 Section 1. Subsection (6) of section 381.006, Florida
32 Statutes, is amended to read:

33 381.006 Environmental health.--The department shall conduct
34 an environmental health program as part of fulfilling the state's
35 public health mission. The purpose of this program is to detect
36 and prevent disease caused by natural and manmade factors in the
37 environment. The environmental health program shall include, but
38 not be limited to:

39 (6) A public facilities function, including sanitary
40 practices relating to state, county, municipal, and private
41 institutions serving the public; jointly with the Department of
42 Education, publicly and privately owned schools; ~~all places used~~
43 ~~for the incarceration of prisoners and inmates of state~~
44 institutions for the mentally ill; toilets and washrooms in all
45 public places and places of employment; any other condition,
46 place, or establishment necessary for the control of disease or
47 the protection and safety of public health.

48
49 The department may adopt rules to carry out the provisions of
50 this section.

51 Section 2. Subsection (1) of section 381.86, Florida
52 Statutes, is amended to read:

53 381.86 Institutional Review Board.--

54 (1) The Institutional Review Board is created within the
55 Department of Health in order to satisfy federal requirements
56 under 45 C.F.R. part 46 and 21 C.F.R. parts 50 and 56 ~~that an~~
57 ~~institutional review board review all biomedical and behavioral~~

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58 ~~research on human subjects which is funded or supported in any~~
59 ~~manner by the department.~~

60 Section 3. Section 381.98, Florida Statutes, is amended to
61 read:

62 381.98 The Florida Public Health Institute ~~Foundation~~,
63 Inc.; establishment; purpose; mission; duties; board of
64 directors.--

65 (1) The Florida Public Health Institute ~~Foundation~~, Inc.,
66 referred to in this section as "the corporation," is established
67 for the purpose of advancing the knowledge and practice of public
68 health, including disseminating breakthrough findings in
69 ~~biomedical research and promoting health awareness in this state~~
70 ~~and providing services to the Department of Health.~~

71 ~~(2) The corporation's mission includes disseminating~~
72 ~~information about innovative biomedical research and clinical~~
73 ~~trials in this state as well as making Floridians and their~~
74 ~~treatment providers aware of specified diseases and conditions~~
75 ~~and available methods of preventing, diagnosing, treating, and~~
76 ~~curing these diseases and conditions.~~

77 (2)(3) ~~The purpose and objective of the corporation is~~
78 ~~shall be to operate exclusively for charitable, scientific, and~~
79 ~~educational purposes; to protect and improve the health and well-~~
80 ~~being of Florida's people and environment through partnerships~~
81 ~~committed to program innovation, education, applied research, and~~
82 ~~policy development; and to engage in charitable programs~~
83 ~~dedicated to improving the health of Floridians.~~

84 (3)(4) The corporation shall be established as a not-for-
85 profit entity qualifying under s. 501(c)(3) of the Internal
86 Revenue Code. The corporation may receive, hold, invest, and

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87 administer property and any moneys acquired from private, local,
88 state, and federal sources, as well as technical and professional
89 income generated or derived from the mission-related activities
90 of the corporation. The corporation shall have all of the powers
91 conferred upon corporations organized under chapter 617.

92 (4)~~(5)~~ The corporation's duties include procuring funds
93 necessary for accomplishing the purpose and mission of the
94 corporation. The corporation shall strive to complement,
95 supplement, and enhance the missions of the various
96 organizations, entities, and departments ~~represented on its board~~
97 by serving as the lead corporation in the state for promoting
98 public health awareness.

99 (5)~~(6)~~ The affairs of the corporation shall be managed by
100 an executive director appointed by a board of directors.
101 ~~consisting of:~~

102 (6) The board of directors shall be elected in accordance
103 with the bylaws of the corporation and must include, but need not
104 be limited to:

105 (a) The State Surgeon General or his or her designee.

106 (b) A representative of the Florida Public Health
107 Association ~~former member of the Senate appointed by the~~
108 ~~President of the Senate.~~

109 (c) Representatives of local health departments, with at
110 least one representative from the southern, central, and northern
111 areas of the state ~~A former member of the House of~~
112 ~~Representatives appointed by the Speaker of the House of~~
113 ~~Representatives.~~

114 (d) Representatives from institutions of higher learning ~~A~~
115 ~~representative of the American Heart Association.~~

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116 (e) Representatives from the private health care, business,
117 or foundation community ~~A representative of the American Cancer~~
118 ~~Society, Florida Division, Inc.~~

119 ~~(f) A representative of the American Lung Association of~~
120 ~~Florida.~~

121 ~~(g) A representative of the American Diabetes Association,~~
122 ~~South Coastal Region.~~

123 ~~(h) A representative of the Alzheimer's Association.~~

124 ~~(i) A representative of the Epilepsy Foundation.~~

125 ~~(j) A representative of the National Parkinson Foundation.~~

126 ~~(k) A representative of the March of Dimes, Florida~~
127 ~~Chapter.~~

128 ~~(l) A representative of the Arthritis Foundation, Florida~~
129 ~~Chapter.~~

130 ~~(m) A representative of the American Liver Foundation.~~

131 ~~(n) A representative of the Florida Council for Behavioral~~
132 ~~Healthcare, Inc.~~

133 ~~(o) A representative of the Florida Alcohol and Drug Abuse~~
134 ~~Association.~~

135 ~~(p) A representative of Pharmaceutical Research and~~
136 ~~Manufacturers of America.~~

137 ~~(q) A representative of the Florida Public Health~~
138 ~~Association.~~

139 ~~(r) A representative of the Florida Association of County~~
140 ~~Health Officers.~~

141 ~~(s) A public health academician selected by the State~~
142 ~~Health Officer.~~

143 ~~(t) A representative of the Florida Academy of Family~~
144 ~~Physicians.~~

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145 ~~(u) Three consumers who have demonstrated an interest in~~
146 ~~protecting the public health appointed by the Florida Public~~
147 ~~Health Association.~~

148 ~~(v) A representative of the Florida Association of Health~~
149 ~~Plans.~~

150 (7) The majority of board members must be nonstate
151 employees.

152 ~~(7) Members of the board of directors shall serve for 2-~~
153 ~~year terms and shall serve without compensation. Each~~
154 ~~organization represented on the board of directors shall cover~~
155 ~~the expenses of its representative.~~

156 ~~(8) The corporation, in consultation with the Department of~~
157 ~~Health and the Florida Center for Universal Research to Eradicate~~
158 ~~Disease, shall facilitate communication between biomedical~~
159 ~~researchers and health care providers each month according to the~~
160 ~~health awareness schedule established by the Florida Public~~
161 ~~Health Foundation, Inc., in order to ensure ongoing dialogue~~
162 ~~between researchers, treatment providers, and the department.~~

163 (8)(9) The corporation and the Department of Health shall
164 enter into partnerships with providers of continuing education
165 for health care practitioners, including, but not limited to,
166 hospitals and state and local medical organizations, to ensure
167 that practitioners are aware of the most recent and complete
168 diagnostic and treatment tools.

169 (9)(10) The corporation may provide personnel to the
170 Department of Health for the purpose of performing duties and
171 responsibilities outlined in private and public grants received
172 by the Department of Health. These personnel are not state
173 employees and are not entitled to retirement credit and other

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174 benefits provided to state employees under chapters 110 and 112.
175 These personnel shall perform services under ~~pursuant to~~ an
176 agreement between the corporation and the Department of Health.

177 ~~(10)-(11)~~ (10) The corporation may purchase goods, services, and
178 property for use by the Department of Health. These purchases are
179 not subject to the provisions of chapters 253, 255, and 287, nor
180 to the control or direction of the Department of Environmental
181 Protection or the Department of Management Services.

182 ~~(11)-(12)~~ (11) The corporation shall provide an annual report
183 concerning its activities ~~and finances~~ to the ~~Florida Center for~~
184 ~~Universal Research to Eradicate Disease~~ and shall provide copies
185 ~~of the annual report to the~~ Governor, the President of the
186 Senate, and the Speaker of the House of Representatives.

187 Section 4. Sections 381.85 and 381.895, Florida Statutes,
188 are repealed.

189 Section 5. This act shall take effect July 1, 2008.