

Amendment No.

CHAMBER ACTION

Senate

House

.
. .
. . .

1 Representative Adams offered the following:

2
3 **Amendment (with title amendment)**

4 Remove everything after the enacting clause and insert:

5
6 Section 1. Paragraph (e) of subsection (2) of section
7 154.503, Florida Statutes, is amended to read:

8 154.503 Primary Care for Children and Families Challenge
9 Grant Program; creation; administration.--

10 (2) The department shall:

11 (e) Coordinate with the primary care program developed
12 pursuant to s. 154.011, the Florida Healthy Kids Corporation
13 program created in s. 624.91, the school health services program
14 created in ss. 381.0056 and 381.0057, ~~the Healthy Communities,~~
15 ~~Healthy People Program~~ created in s. 381.734, and the volunteer
16 health care provider program developed pursuant to s. 766.1115.
905379

Approved For Filing: 4/23/2009 1:56:58 PM

Amendment No.

17 Section 2. Sections 381.0053, 381.0054, 381.732, 381.733,
18 and 381.734, Florida Statutes, are repealed.

19 Section 3. Subsection (16) of section 381.006, Florida
20 Statutes, is amended to read:

21 381.006 Environmental health.--The department shall
22 conduct an environmental health program as part of fulfilling
23 the state's public health mission. The purpose of this program
24 is to detect and prevent disease caused by natural and manmade
25 factors in the environment. The environmental health program
26 shall include, but not be limited to:

27 (16) A group-care-facilities function, where a group care
28 facility means any public or private school, housing, building
29 or buildings, section of a building, or distinct part of a
30 building or other place, whether operated for profit or not,
31 which undertakes, through its ownership or management, to
32 provide one or more personal services, care, protection, and
33 supervision to persons who require such services and who are not
34 related to the owner or administrator. The department may adopt
35 rules necessary to protect the health and safety of residents,
36 staff, and patrons of group care facilities, such as child care
37 facilities, family day care homes, assisted living facilities,
38 adult day care centers, adult family care homes, hospices,
39 residential treatment facilities, crisis stabilization units,
40 pediatric extended care centers, intermediate care facilities
41 for the developmentally disabled, group care homes, and, jointly
42 with the Department of Education, private and public schools.
43 These rules may include definitions of terms; provisions
44 relating to operation and maintenance of facilities, buildings,
905379

Approved For Filing: 4/23/2009 1:56:58 PM

Amendment No.

45 grounds, equipment, furnishings, and occupant-space
46 requirements; lighting; heating, cooling, and ventilation; food
47 service; water supply and plumbing; sewage; sanitary facilities;
48 insect and rodent control; garbage; safety; personnel health,
49 hygiene, and work practices; and other matters the department
50 finds are appropriate or necessary to protect the safety and
51 health of the residents, staff, or patrons. The department may
52 not adopt rules that conflict with rules adopted by the
53 licensing or certifying agency. The department may enter and
54 inspect at reasonable hours to determine compliance with
55 applicable statutes or rules. An environmental health program
56 inspection of a certified domestic violence center shall be
57 limited to the requirements set forth in the department's rules
58 applicable to community-based residential facilities with five
59 or fewer residents. In addition to any sanctions that the
60 department may impose for violations of rules adopted under this
61 section, the department shall also report such violations to any
62 agency responsible for licensing or certifying the group care
63 facility. The licensing or certifying agency may also impose any
64 sanction based solely on the findings of the department.

65 (17) Upon completion of the department's study to develop
66 passive strategies for nitrogen reduction that complement use of
67 conventional onsite wastewater treatment systems, the department
68 shall submit a final report to the Executive Office of the
69 Governor, the President of the Senate, and the Speaker of the
70 House of Representatives prior to proceeding with any nitrogen
71 reduction activities.

72 905379

Approved For Filing: 4/23/2009 1:56:58 PM

Amendment No.

73 The department may adopt rules to carry out the provisions of
74 this section.

75 Section 4. Paragraph (a) of subsection (2) of section
76 381.0072, Florida Statutes, is amended to read:

77 381.0072 Food service protection.--It shall be the duty of
78 the Department of Health to adopt and enforce sanitation rules
79 consistent with law to ensure the protection of the public from
80 food-borne illness. These rules shall provide the standards and
81 requirements for the storage, preparation, serving, or display
82 of food in food service establishments as defined in this
83 section and which are not permitted or licensed under chapter
84 500 or chapter 509.

85 (2) DUTIES.--

86 (a) The department shall adopt rules, including
87 definitions of terms which are consistent with law prescribing
88 minimum sanitation standards and manager certification
89 requirements as prescribed in s. 509.039, and which shall be
90 enforced in food service establishments as defined in this
91 section. The sanitation standards must address the construction,
92 operation, and maintenance of the establishment; lighting,
93 ventilation, laundry rooms, lockers, use and storage of toxic
94 materials and cleaning compounds, and first-aid supplies; plan
95 review; design, construction, installation, location,
96 maintenance, sanitation, and storage of food equipment and
97 utensils; employee training, health, hygiene, and work
98 practices; food supplies, preparation, storage, transportation,
99 and service, including access to the areas where food is stored
100 or prepared; and sanitary facilities and controls, including
905379

Approved For Filing: 4/23/2009 1:56:58 PM

Amendment No.

101 water supply and sewage disposal; plumbing and toilet
102 facilities; garbage and refuse collection, storage, and
103 disposal; and vermin control. Public and private schools, if the
104 food service is operated by school employees; hospitals licensed
105 under chapter 395; nursing homes licensed under part II of
106 chapter 400; child care facilities as defined in s. 402.301;
107 residential facilities colocated with a nursing home or
108 hospital, if all food is prepared in a central kitchen that
109 complies with nursing or hospital regulations; and bars and
110 lounges, as defined by department rule, are exempt from the
111 rules developed for manager certification. The department shall
112 administer a comprehensive inspection, monitoring, and sampling
113 program to ensure such standards are maintained. With respect to
114 food service establishments permitted or licensed under chapter
115 500 or chapter 509, the department shall assist the Division of
116 Hotels and Restaurants of the Department of Business and
117 Professional Regulation and the Department of Agriculture and
118 Consumer Services with rulemaking by providing technical
119 information. Food service inspections of a certified domestic
120 violence center shall be limited to the requirements set forth
121 in the department's rules applicable to community-based
122 residential facilities with five or fewer residents.

123 Section 5. Subsection (1) and paragraph (a) of subsection
124 (2) of section 381.0203, Florida Statutes, are amended to read:

125 381.0203 Pharmacy services.--

126 (1) The department must ~~may~~ contract on a statewide basis
127 for the purchase of drugs, as defined in s. 499.003, to be used
128 by state agencies and political subdivisions, and may adopt
905379

Approved For Filing: 4/23/2009 1:56:58 PM

Amendment No.

129 rules to administer this section. Effective January 1, 2010, all
130 state agencies, except the Agency for Health Care
131 Administration, the Department of Veterans' Affairs, and the
132 Department of Management Services, must purchase drugs through
133 the statewide contract unless:

134 (a) The Pharmacy and Therapeutic Advisory Council approves
135 a more cost-effective purchasing plan; or

136 (b) The drugs required are not available through the
137 statewide purchasing contract.

138 (2) The department must ~~may~~ establish and maintain a
139 pharmacy services program that includes, ~~including,~~ but is not
140 limited to:

141 (a) A central pharmacy to support pharmaceutical services
142 provided by the county health departments, including
143 pharmaceutical repackaging, dispensing, and the purchase and
144 distribution of immunizations and other pharmaceuticals. Such
145 services shall be provided to other state agencies and political
146 subdivisions of the state upon written agreement. Cost savings
147 realized by the state through utilization of the central
148 pharmacy may be used by the department to offset additional
149 costs.

150 Section 6. Section 381.84, Florida Statutes, is
151 transferred, renumbered as section 385.106, Florida Statutes,
152 and amended to read:

153 385.106 ~~381.84~~ Comprehensive Statewide Tobacco Education
154 and Use Prevention Program.--

155 (1) DEFINITIONS.--As used in this section and for purposes
156 of the provisions of s. 27, Art. X of the State Constitution,
905379

Approved For Filing: 4/23/2009 1:56:58 PM

Amendment No.

157 the term:

158 (a) "AHEC network" means an area health education center
159 network established under s. 381.0402.

160 (b) "Best practices" means the Best Practices for
161 Comprehensive Tobacco Control Programs as established by the
162 CDC, as amended.

163 ~~(c)(b)~~ "CDC" means the United States Centers for Disease
164 Control and Prevention.

165 ~~(d)(e)~~ "Council" means the Tobacco Education and Use
166 Prevention Advisory Council.

167 ~~(d) "Department" means the Department of Health.~~

168 ~~(e) "Tobacco" means, without limitation, tobacco itself~~
169 ~~and tobacco products that include tobacco and are intended or~~
170 ~~expected for human use or consumption, including, but not~~
171 ~~limited to, cigarettes, cigars, pipe tobacco, and smokeless~~
172 ~~tobacco.~~

173 ~~(f) "Youth" means minors and young adults.~~

174 (2) PURPOSE, FINDINGS, AND INTENT.--It is the purpose of
175 this section to implement s. 27, Art. X of the State
176 Constitution. The Legislature finds that s. 27, Art. X of the
177 State Constitution requires the funding of a statewide tobacco
178 education and use prevention program that focuses on tobacco use
179 by youth. The Legislature further finds that the primary goals
180 of the program are to reduce the prevalence of tobacco use among
181 youth, adults, and pregnant women; reduce per capita tobacco
182 consumption; and reduce exposure to environmental tobacco smoke.
183 Further, it is the intent of the Legislature to base increases
184 in funding for individual components of the program on the
905379

Approved For Filing: 4/23/2009 1:56:58 PM

Amendment No.

185 results of assessments and evaluations. Recognizing that some
186 components will need to grow faster than inflation, it is the
187 intent of the Legislature to fund portions of the program on a
188 nonrecurring basis in the early years so that those components
189 that are most effective can be supported as the program matures.

190 (3) PROGRAM COMPONENTS AND REQUIREMENTS.--The department
191 shall conduct a comprehensive, statewide tobacco education and
192 use prevention program consistent with the recommendations for
193 effective program components contained in the 1999 Best
194 Practices for Comprehensive Tobacco Control Programs of the CDC,
195 as amended by the CDC. The program shall include the following
196 components, each of which shall focus on educating people,
197 ~~particularly youth and their parents,~~ about the health hazards
198 of tobacco and discouraging the use of tobacco. All program
199 components shall include efforts to educate youth and their
200 parents about tobacco use, and a youth-directed focus shall
201 exist in all components outlined in this subsection.+

202 (a) State and community interventions.--These
203 interventions shall include, but not be limited to, a statewide
204 tobacco control program that combines and coordinates community-
205 based interventions that focus on preventing initiation of
206 tobacco use among youth and young adults; promoting quitting
207 among adults, youth, and pregnant women; eliminating exposure to
208 secondhand smoke; identifying and eliminating tobacco-related
209 disparities among population groups; and promoting a range of
210 collaborations to prevent and alleviate the effects of chronic
211 diseases. ~~Counter marketing and advertising; cyberspace resource~~
212 center. ~~The counter marketing and advertising campaign shall~~
905379

Approved For Filing: 4/23/2009 1:56:58 PM

Amendment No.

213 ~~include, at a minimum, Internet, print, radio, and television~~
214 ~~advertising and shall be funded with a minimum of one-third of~~
215 ~~the total annual appropriation required by s. 27, Art. X of the~~
216 ~~State Constitution. A cyberspace resource center for copyrighted~~
217 ~~materials and information concerning tobacco education and use~~
218 ~~prevention, including cessation, shall be maintained by the~~
219 ~~program. Such resource center must be accessible to the public,~~
220 ~~including parents, teachers, and students, at each level of~~
221 ~~public and private schools, universities, and colleges in the~~
222 ~~state and shall provide links to other relevant resources. The~~
223 ~~Internet address for the resource center must be incorporated in~~
224 ~~all advertising. The information maintained in the resource~~
225 ~~center shall be used by the other components of the program.~~

226 (b) Health communication interventions.--Effective media
227 and health communication intervention efforts include, but are
228 not limited to, audience research to define themes and execute
229 messages for influential, high impact, and specifically targeted
230 campaigns; market research to identify the target market and the
231 behavioral theory motivating change; counter-marketing
232 surveillance; community tie-ins to support and reinforce the
233 statewide campaign; technologies such as viral marketing, social
234 networks, personal web pages, and web logs; traditional media;
235 process and outcome evaluation of the communication efforts; and
236 promotion of available services, including the state telephone
237 cessation quitline. ~~Cessation programs, counseling, and~~
238 ~~treatment.--This program component shall include two~~
239 ~~subcomponents:~~

240 1. ~~A statewide toll-free cessation service, which may~~
905379

Approved For Filing: 4/23/2009 1:56:58 PM

Amendment No.

241 ~~include counseling, referrals to other local resources and~~
242 ~~support services, and treatment to the extent funds are~~
243 ~~available for treatment services; and~~

244 ~~2. A local community-based program to disseminate~~
245 ~~information about smoking cessation, how smoking cessation~~
246 ~~relates to prenatal care and obesity prevention, and other~~
247 ~~chronic tobacco-related diseases.~~

248 (c) Cessation interventions.--Cessation interventions
249 include, but are not limited to, sustaining, expanding, and
250 promoting the service through population-based counseling and
251 treatment programs; encouraging public and private insurance
252 coverage for counseling and FDA-approved medication treatments
253 for tobacco-use cessation; eliminating cost and other barriers
254 to treatment for underserved populations; and making health care
255 system changes. Youth interventions to prevent tobacco-use
256 initiation and encourage cessation among young people are needed
257 in order to reshape the environment so that it supports tobacco-
258 free norms. Because most people who start smoking are younger
259 than 18 years of age, intervening during adolescence is
260 critical. Community programs and school-based policies and
261 interventions should be a part of a comprehensive effort that is
262 implemented in coordination with community and school
263 environments and in conjunction with increasing the unit price
264 of tobacco products, sustaining anti-tobacco media campaigns,
265 making environments tobacco free, and engaging in other efforts
266 to create tobacco-free social norms. ~~Surveillance and~~
267 evaluation. ~~The program shall conduct ongoing epidemiological~~
268 ~~surveillance and shall contract for annual independent~~

905379

Approved For Filing: 4/23/2009 1:56:58 PM

Amendment No.

269 ~~evaluations of the effectiveness of the various components of~~
270 ~~the program in meeting the goals as set forth in subsection (2).~~

271 (d) *Surveillance and evaluation.*--The surveillance and
272 evaluation of all program components shall monitor and document
273 short-term, intermediate, and long-term intervention outcomes to
274 inform program and policy direction and ensure accountability.
275 The surveillance and evaluation must be conducted objectively
276 through scientifically sound methodology. ~~*Youth school*~~
277 ~~*programs.*~~ ~~School and after-school programs shall use current~~
278 ~~evidence-based curricula and programs that involve youth to~~
279 ~~educate youth about the health hazards of tobacco, help youth~~
280 ~~develop skills to refuse tobacco, and demonstrate to youth how~~
281 ~~to stop using tobacco.~~

282 (e) *Administration and management.*--Administration and
283 management activities include, but are not limited to, strategic
284 planning to guide program efforts and resources in order to
285 accomplish goals; recruiting and developing qualified and
286 diverse technical, program, and administrative staff; awarding
287 and monitoring program contracts and grants to coordinate
288 implementation across program areas; developing and maintaining
289 a fiscal-management system to track allocations and the
290 expenditure of funds; increasing capacity at the community level
291 through ongoing training and technical assistance; creating
292 effective communications internally among chronic disease
293 prevention programs and local coalitions and partners; and
294 educating the public and decisionmakers on the health effects of
295 tobacco and evidence-based effective program and policy
296 interventions. ~~*Community programs and chronic disease*~~

905379

Approved For Filing: 4/23/2009 1:56:58 PM

Amendment No.

297 ~~prevention. The department shall promote and support local~~
298 ~~community-based partnerships that emphasize programs involving~~
299 ~~youth, including programs for the prevention, detection, and~~
300 ~~early intervention of smoking-related chronic diseases.~~

301 (f) *Training.*--The program shall include the training of
302 health care practitioners, smoking-cessation counselors, and
303 teachers by health professional students and other tobacco-use
304 prevention specialists who are trained in preventing tobacco use
305 and health education. Smoking-cessation counselors shall be
306 trained by specialists who are certified in tobacco-use
307 cessation.

308 (g) ~~*County health departments Administration, statewide*~~
309 ~~*programs, and county health departments.*~~--Each county health
310 department is eligible to receive a portion of the annual
311 appropriation, on a per capita basis, for coordinating tobacco
312 education and use prevention programs within that county.
313 Appropriated funds may be used to improve the infrastructure of
314 the county health department to implement the comprehensive,
315 statewide tobacco education and use prevention program. Each
316 county health department shall prominently display in all
317 treatment rooms and waiting rooms, counter-marketing and
318 advertisement materials in the form of wall posters, brochures,
319 television advertising if televisions are used in the lobby or
320 waiting room, and screensavers and Internet advertising if
321 computer kiosks are available for use or viewing by people at
322 the county health department.

323 (h) *Enforcement and awareness of related laws.*--In
324 coordination with the Department of Business and Professional
905379

Amendment No.

325 Regulation, the program shall monitor the enforcement of laws,
326 rules, and policies prohibiting the sale or other provision of
327 tobacco to minors, as well as the continued enforcement of the
328 Clean Indoor Air Act prescribed in chapter 386. The
329 advertisements produced in accordance with paragraph (b)
330 ~~paragraph (a)~~ may also include information designed to make the
331 public aware of these related laws and rules. The departments
332 may enter into interagency agreements to carry out this program
333 component.

334 (i) *AHEC smoking-cessation initiative.*--~~For the 2007-2008~~
335 ~~and 2008-2009 fiscal years only,~~ The AHEC network shall expand
336 the AHEC smoking-cessation initiative to each county within the
337 state and perform other activities as determined by the
338 department.

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

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

343 1. The State Surgeon General, who shall serve as the
344 chairperson.

345 2. One county health department director, appointed by the
346 State Surgeon General.

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

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

351 5. The chief executive officer of the Greater Southeast
352 Affiliate of the American Heart Association, or his or her
905379

Approved For Filing: 4/23/2009 1:56:58 PM

Amendment No.

353 designee.

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

356 7. The dean of the University of Miami School of Medicine,
357 or his or her designee.

358 8. The dean of the University of Florida College of
359 Medicine, or his or her designee.

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

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

364 11. The dean of Nova Southeastern College of Osteopathic
365 Medicine, or his or her designee.

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

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

370 14. The chief executive officer of the Legacy Foundation,
371 or his or her designee.

372 15. Four members appointed by the Governor, of whom two
373 must have expertise in the field of tobacco-use prevention and
374 education or smoking cessation and one individual who shall be
375 between the ages of 16 and 21 at the time of his or her
376 appointment.

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

380 17. Two members appointed by the Speaker of the House of
905379

Approved For Filing: 4/23/2009 1:56:58 PM

Amendment No.

381 Representatives, of whom one must have expertise in the field of
382 tobacco-use prevention and education or smoking cessation.

383 (b) The appointments shall be for 3-year terms and shall
384 reflect the diversity of the state's population. A vacancy shall
385 be filled by appointment by the original appointing authority
386 for the unexpired portion of the term.

387 (c) An appointed member may not serve more than two
388 consecutive terms.

389 (d) The council shall meet at least quarterly and upon the
390 call of the chairperson. Meetings may be held via teleconference
391 or other electronic means.

392 (e) Members of the council shall serve without
393 compensation, but are entitled to reimbursement for per diem and
394 travel expenses pursuant to s. 112.061. Members who are state
395 officers or employees or who are appointed by state officers or
396 employees shall be reimbursed for per diem and travel expenses
397 pursuant to s. 112.061 from the state agency through which they
398 serve.

399 (f) The council shall adhere to all state ethics laws.
400 Meetings of the council and the review panels are subject to
401 chapter 119, s. 286.011, and s. 24, Art. I of the State
402 Constitution. ~~The department shall provide council members with~~
403 ~~information and other assistance as is reasonably necessary to~~
404 ~~assist the council in carrying out its responsibilities.~~

405 (5) COUNCIL DUTIES AND RESPONSIBILITIES.--The council
406 shall advise the State Surgeon General as to the direction and
407 scope of the Comprehensive Statewide Tobacco Education and Use
408 Prevention Program. The responsibilities of the council may
905379

Approved For Filing: 4/23/2009 1:56:58 PM

Amendment No.

409 include, but are not limited to:

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

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

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

415 (d) Reviewing, as requested by the department, broadcast
416 material prepared for the Internet, portable media players,
417 radio, and television advertisement ~~as it relates to the~~
418 ~~advertising component of the tobacco education and use~~
419 ~~prevention program.~~

420 (e) Participating in periodic program evaluation, as
421 requested by the department.

422 (f) Assisting the department in developing ~~the development~~
423 ~~of~~ guidelines to ensure fairness, neutrality, and adherence to
424 the principles of merit and quality in the conduct of the
425 program.

426 (g) Assisting the department in developing ~~the development~~
427 ~~of~~ administrative procedures relating to solicitation, review,
428 and award of contracts and grants in order to ensure an
429 impartial, high-quality peer review system.

430 (h) Assisting the department in developing panels to
431 review and evaluate potential fund recipients ~~the development~~
432 ~~and supervision of peer review panels.~~

433 (i) Assisting the department in reviewing reports of peer
434 review panels and making recommendations for funding allocations
435 ~~contracts and grants.~~

436 (j) Assisting the department in reviewing the activities

905379

Approved For Filing: 4/23/2009 1:56:58 PM

Amendment No.

437 and ~~evaluating~~ the performance of the AHEC network to avoid
438 duplicative efforts using state funds.

439 (k) Recommending specific measureable outcomes ~~meaningful~~
440 ~~outcome measures~~ through a regular review of evidence-based and
441 promising tobacco-use prevention and education strategies and
442 programs of other states and the Federal Government.

443 (l) Recommending policies to encourage a coordinated
444 response to tobacco use in this state, focusing specifically on
445 creating partnerships within and between the public and private
446 sectors.

447 (6) CONTRACT REQUIREMENTS.--Contracts or grants for the
448 program components or subcomponents described in paragraphs
449 (3) (a)-(f) shall be awarded by the State Surgeon General, after
450 consultation with the council, on the basis of merit, as
451 determined by an open, competitive, peer-reviewed process that
452 ensures objectivity, consistency, and high quality. The
453 department shall award such grants or contracts no later than
454 October 1 for each fiscal year. A recipient of a contract or
455 grant for the program component described in paragraph (3) (d)
456 ~~(3) (e)~~ is not eligible for a contract or grant award for any
457 other program component described in subsection (3) in the same
458 state fiscal year. ~~A school or college of medicine that is~~
459 ~~represented on the council is not eligible to receive a contract~~
460 ~~or grant under this section. For the 2007-2008 and 2008-2009~~
461 ~~fiscal years only,~~ The department shall award a contract or
462 grant in the amount of \$11 ~~\$10~~ million to the AHEC network for
463 the purpose of developing the components described in paragraph
464 (3) (i). ~~The AHEC network may apply for a competitive contract or~~
905379

Approved For Filing: 4/23/2009 1:56:58 PM

Amendment No.

465 ~~grant after the 2008-2009 fiscal year.~~

466 (a) In order to ensure that all proposals for funding are
467 appropriate and are evaluated fairly on the basis of merit, the
468 State Surgeon General, in consultation with the council, shall
469 appoint a ~~peer~~ review panel of independent, qualified experts in
470 the field of tobacco control to review the content of each
471 proposal and establish its priority score. The priority scores
472 shall be forwarded to the council and must be considered in
473 determining which proposals will be recommended for funding.

474 (b) The council and the ~~peer~~ review panel shall establish
475 and follow rigorous guidelines for ethical conduct and adhere to
476 a strict policy with regard to conflicts of interest. Council
477 members are subject to the applicable provisions of chapter 112.

478 ~~A member of the council or panel may not participate in any~~
479 ~~discussion or decision with respect to a research proposal by~~
480 ~~any firm, entity, or agency with which the member is associated~~
481 ~~as a member of the governing body or as an employee or with~~
482 ~~which the member has entered into a contractual arrangement.~~
483 ~~Meetings of the council and the peer review panels are subject~~
484 ~~to chapter 119, s. 286.011, and s. 24, Art. I of the State~~
485 ~~Constitution.~~

486 (c) In each contract or grant agreement, the department
487 shall limit the use of food and promotional items to no more
488 than 2.5 percent of the total amount of the contract or grant
489 and limit overhead or indirect costs to no more than 7.5 percent
490 of the total amount of the contract or grant. The department, in
491 consultation with the Department of Financial Services, shall
492 publish guidelines for appropriate food and promotional items.

905379

Approved For Filing: 4/23/2009 1:56:58 PM

Amendment No.

493 (d) In each advertising contract, the department shall
494 limit the total of production fees, buyer commissions, and
495 related costs to no more than 10 percent of the total contract
496 amount.

497 (e) Notwithstanding the competitive process for contracts
498 prescribed in this subsection, each county health department is
499 eligible for core funding, on a per capita basis, to implement
500 tobacco education and use prevention activities within that
501 county.

502 (7) ANNUAL REPORT REQUIRED.--By February 28 ~~January 31~~ of
503 each year, the department shall provide to the Governor, the
504 President of the Senate, and the Speaker of the House of
505 Representatives a report that evaluates the program's
506 effectiveness in reducing and preventing tobacco use and that
507 recommends improvements to enhance the program's effectiveness.
508 The report must contain, at a minimum, an annual survey of youth
509 attitudes and behavior toward tobacco, as well as a description
510 of the progress in reducing the prevalence of tobacco use among
511 youth, adults, and pregnant women; reducing per capita tobacco
512 consumption; and reducing exposure to environmental tobacco
513 smoke.

514 (8) LIMITATION ON ADMINISTRATIVE EXPENSES.--From the total
515 funds appropriated for the Comprehensive Statewide Tobacco
516 Education and Use Prevention Program in the General
517 Appropriations Act, an amount of up to 5 percent may be used by
518 the department for administrative expenses.

519 ~~(9) RULEMAKING AUTHORIZED.--By January 1, 2008, the~~
520 ~~department shall adopt rules pursuant to ss. 120.536(1) and~~
905379

Approved For Filing: 4/23/2009 1:56:58 PM

Amendment No.

521 ~~120.54 to administer this section.~~

522 Section 7. Section 381.91, Florida Statutes, is
523 transferred and renumbered as section 385.2024, Florida
524 Statutes, to read:

525 385.2024 ~~381.91~~ Jessie Trice Cancer Prevention Program.--

526 (1) It is the intent of the Legislature to:

527 (a) Reduce the rates of illness and death from lung cancer
528 and other cancers and improve the quality of life among low-
529 income African-American and Hispanic populations through
530 increased access to early, effective screening and diagnosis,
531 education, and treatment programs.

532 (b) Create a community faith-based disease-prevention
533 program in conjunction with the Health Choice Network and other
534 community health centers to build upon the natural referral and
535 education networks in place within minority communities and to
536 increase access to health service delivery in Florida.

537 (c) Establish a funding source to build upon local private
538 participation to sustain the operation of the program.

539 (2) (a) There is created the Jessie Trice Cancer Prevention
540 Program, to be located, for administrative purposes, within the
541 Department of Health, and operated from the community health
542 centers within the Health Choice Network in Florida.

543 (b) Funding may be provided to develop contracts with
544 community health centers and local community faith-based
545 education programs to provide cancer screening, diagnosis,
546 education, and treatment services to low-income populations
547 throughout the state.

548 Section 8. Section 381.911, Florida Statutes, is
905379

Approved For Filing: 4/23/2009 1:56:58 PM

Amendment No.

549 transferred, renumbered as section 385.2023, Florida Statutes,
550 and amended to read:

551 385.2023 ~~381.911~~ Prostate Cancer Awareness Program.--

552 (1) To the extent that funds are specifically made
553 available for this purpose, the Prostate Cancer Awareness
554 Program is established within the Department of Health. The
555 purpose of this program is to implement the recommendations of
556 January 2000 of the Florida Prostate Cancer Task Force to
557 provide for statewide outreach and health education activities
558 to ensure that men are aware of and appropriately seek medical
559 counseling for prostate cancer as an early-detection health care
560 measure.

561 (2) For purposes of implementing the program, the
562 Department of Health and the Florida Public Health Foundation,
563 Inc., may:

564 (a) Conduct activities directly or enter into a contract
565 with a qualified nonprofit community education entity.

566 (b) Seek any available gifts, grants, or funds from the
567 state, the Federal Government, philanthropic foundations, and
568 industry or business groups.

569 (3) A prostate cancer advisory committee is created to
570 advise and assist the Department of Health and the Florida
571 Public Health Foundation, Inc., in implementing the program.

572 (a) The State Surgeon General shall appoint the advisory
573 committee members, who shall consist of:

574 1. Three persons from prostate cancer survivor groups or
575 cancer-related advocacy groups.

576 2. Three persons who are scientists or clinicians from
905379

Amendment No.

577 public or nonpublic universities or research organizations.

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

581 (b) Members shall serve without compensation but are
582 entitled to reimbursement, pursuant to s. 112.061, for per diem
583 and travel expenses incurred in the performance of their
584 official duties.

585 (4) The program shall coordinate its efforts with those of
586 the Florida Public Health Foundation, Inc.

587 Section 9. Section 381.912, Florida Statutes, is repealed.

588 Section 10. Section 381.92, Florida Statutes, is
589 transferred and renumbered as section 385.2025, Florida
590 Statutes, to read:

591 385.2025 ~~381.92~~ Florida Cancer Council.--

592 (1) Effective July 1, 2004, the Florida Cancer Council
593 within the Department of Health is established for the purpose
594 of making the state a center of excellence for cancer research.

595 (2) (a) The council shall be representative of the state's
596 cancer centers, hospitals, and patient groups and shall be
597 organized and shall operate in accordance with this act.

598 (b) The Florida Cancer Council may create not-for-profit
599 corporate subsidiaries to fulfill its mission. The council and
600 its subsidiaries are authorized to receive, hold, invest, and
601 administer property and any moneys acquired from private, local,
602 state, and federal sources, as well as technical and
603 professional income generated or derived from the mission-
604 related activities of the council.

905379

Approved For Filing: 4/23/2009 1:56:58 PM

Amendment No.

- 605 (c) The members of the council shall consist of:
- 606 1. The chair of the Florida Dialogue on Cancer, who shall
- 607 serve as the chair of the council;
- 608 2. The State Surgeon General or his or her designee;
- 609 3. The chief executive officer of the H. Lee Moffitt
- 610 Cancer Center or his or her designee;
- 611 4. The director of the University of Florida Shands Cancer
- 612 Center or his or her designee;
- 613 5. The chief executive officer of the University of Miami
- 614 Sylvester Comprehensive Cancer Center or his or her designee;
- 615 6. The chief executive officer of the Mayo Clinic,
- 616 Jacksonville, or his or her designee;
- 617 7. The chief executive officer of the American Cancer
- 618 Society, Florida Division, Inc., or his or her designee;
- 619 8. The president of the American Cancer Society, Florida
- 620 Division, Inc., Board of Directors or his or her designee;
- 621 9. The president of the Florida Society of Clinical
- 622 Oncology or his or her designee;
- 623 10. The president of the American College of Surgeons,
- 624 Florida Chapter, or his or her designee;
- 625 11. The chief executive officer of Enterprise Florida,
- 626 Inc., or his or her designee;
- 627 12. Five representatives from cancer programs approved by
- 628 the American College of Surgeons. Three shall be appointed by
- 629 the Governor, one shall be appointed by the Speaker of the House
- 630 of Representatives, and one shall be appointed by the President
- 631 of the Senate;
- 632 13. One member of the House of Representatives, to be

905379

Approved For Filing: 4/23/2009 1:56:58 PM

Amendment No.

633 appointed by the Speaker of the House of Representatives; and

634 14. One member of the Senate, to be appointed by the
635 President of the Senate.

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

640 (e) Appointments made by the Governor pursuant to
641 paragraph (c) shall be for 2-year terms, although the Governor
642 may reappoint members.

643 (f) Members of the council or any subsidiaries shall serve
644 without compensation, and each organization represented on the
645 council shall cover the expenses of its representatives.

646 (3) The council shall issue an annual report to the Center
647 for Universal Research to Eradicate Disease, the Governor, the
648 Speaker of the House of Representatives, and the President of
649 the Senate by December 15 of each year, with policy and funding
650 recommendations regarding cancer research capacity in Florida
651 and related issues.

652 Section 11. Section 381.921, Florida Statutes, is
653 transferred and renumbered as section 385.20251, Florida
654 Statutes, to read:

655 385.20251 ~~381.921~~ Florida Cancer Council mission and
656 duties.--The council, which shall work in concert with the
657 Florida Center for Universal Research to Eradicate Disease to
658 ensure that the goals of the center are advanced, shall endeavor
659 to dramatically improve cancer research and treatment in this
660 state through:

905379

Approved For Filing: 4/23/2009 1:56:58 PM

Amendment No.

661 (1) Efforts to significantly expand cancer research
662 capacity in the state by:

663 (a) Identifying ways to attract new research talent and
664 attendant national grant-producing researchers to cancer
665 research facilities in this state;

666 (b) Implementing a peer-reviewed, competitive process to
667 identify and fund the best proposals to expand cancer research
668 institutes in this state;

669 (c) Funding through available resources for those
670 proposals that demonstrate the greatest opportunity to attract
671 federal research grants and private financial support;

672 (d) Encouraging the employment of bioinformatics in order
673 to create a cancer informatics infrastructure that enhances
674 information and resource exchange and integration through
675 researchers working in diverse disciplines, to facilitate the
676 full spectrum of cancer investigations;

677 (e) Facilitating the technical coordination, business
678 development, and support of intellectual property as it relates
679 to the advancement of cancer research; and

680 (f) Aiding in other multidisciplinary research-support
681 activities as they inure to the advancement of cancer research.

682 (2) Efforts to improve both research and treatment through
683 greater participation in clinical trials networks by:

684 (a) Identifying ways to increase adult enrollment in
685 cancer clinical trials;

686 (b) Supporting public and private professional education
687 programs designed to increase the awareness and knowledge about
688 cancer clinical trials;

905379

Approved For Filing: 4/23/2009 1:56:58 PM

Amendment No.

689 (c) Providing tools to cancer patients and community-based
690 oncologists to aid in the identification of cancer clinical
691 trials available in the state; and

692 (d) Creating opportunities for the state's academic cancer
693 centers to collaborate with community-based oncologists in
694 cancer clinical trials networks.

695 (3) Efforts to reduce the impact of cancer on disparate
696 groups by:

697 (a) Identifying those cancers that disproportionately
698 impact certain demographic groups; and

699 (b) Building collaborations designed to reduce health
700 disparities as they relate to cancer.

701 Section 12. Paragraph (a) of subsection (2) and subsection
702 (5) of section 381.922, Florida Statutes, as amended by section
703 2 of chapter 2009-5, Laws of Florida, is amended to read:

704 381.922 William G. "Bill" Bankhead, Jr., and David Coley
705 Cancer Research Program.--

706 (2) The program shall provide grants for cancer research
707 to further the search for cures for cancer.

708 (a) Emphasis shall be given to the goals enumerated in s.
709 385.20251 ~~s. 381.921~~, as those goals support the advancement of
710 such cures.

711 (5) For the 2008-2009 fiscal year and each fiscal year
712 thereafter, the sum of \$6.75 million is appropriated annually
713 from recurring funds in the General Revenue Fund to the
714 Biomedical Research Trust Fund within the Department of Health
715 for purposes of the William G. "Bill" Bankhead, Jr., and David
716 Coley Cancer Research Program and shall be distributed pursuant
905379

Approved For Filing: 4/23/2009 1:56:58 PM

Amendment No.

717 to this section to provide grants to researchers seeking cures
718 for cancer, with emphasis given to the goals enumerated in s.
719 385.20251 ~~s. 381.921~~. From the total funds appropriated, an
720 amount of up to 10 percent may be used for administrative
721 expenses.

722 Section 13. Section 381.93, Florida Statutes, is
723 transferred and renumbered as section 385.2021, Florida
724 Statutes, to read:

725 385.2021 ~~381.93~~ Breast and cervical cancer early detection
726 program.--This section may be cited as the "Mary Brogan Breast
727 and Cervical Cancer Early Detection Program Act."

728 (1) It is the intent of the Legislature to reduce the
729 rates of death due to breast and cervical cancer through early
730 diagnosis and increased access to early screening, diagnosis,
731 and treatment programs.

732 (2) The Department of Health, using available federal
733 funds and state funds appropriated for that purpose, is
734 authorized to establish the Mary Brogan Breast and Cervical
735 Cancer Screening and Early Detection Program to provide
736 screening, diagnosis, evaluation, treatment, case management,
737 and followup and referral to the Agency for Health Care
738 Administration for coverage of treatment services.

739 (3) The Mary Brogan Breast and Cervical Cancer Early
740 Detection Program shall be funded through grants for such
741 screening and early detection purposes from the federal Centers
742 for Disease Control and Prevention under Title XV of the Public
743 Health Service Act, 42 U.S.C. ss. 300k et seq.

744 (4) The department shall limit enrollment in the program
905379

Approved For Filing: 4/23/2009 1:56:58 PM

Amendment No.

745 to persons with incomes up to and including 200 percent of the
746 federal poverty level. The department shall establish an
747 eligibility process that includes an income-verification process
748 to ensure that persons served under the program meet income
749 guidelines.

750 (5) The department may provide other breast and cervical
751 cancer screening and diagnostic services; however, such services
752 shall be funded separately through other sources than this act.

753 Section 14. Section 381.931, Florida Statutes, is
754 transferred and renumbered as section 385.20211, Florida
755 Statutes, to read:

756 385.20211 ~~381.931~~ Annual report on Medicaid
757 expenditures.--The Department of Health and the Agency for
758 Health Care Administration shall monitor the total Medicaid
759 expenditures for services made under this act. If Medicaid
760 expenditures are projected to exceed the amount appropriated by
761 the Legislature, the Department of Health shall limit the number
762 of screenings to ensure Medicaid expenditures do not exceed the
763 amount appropriated. The Department of Health, in cooperation
764 with the Agency for Health Care Administration, shall prepare an
765 annual report that must include the number of women screened;
766 the percentage of positive and negative outcomes; the number of
767 referrals to Medicaid and other providers for treatment
768 services; the estimated number of women who are not screened or
769 not served by Medicaid due to funding limitations, if any; the
770 cost of Medicaid treatment services; and the estimated cost of
771 treatment services for women who were not screened or referred
772 for treatment due to funding limitations. The report shall be
905379

Approved For Filing: 4/23/2009 1:56:58 PM

Amendment No.

773 submitted to the President of the Senate, the Speaker of the
774 House of Representatives, and the Executive Office of the
775 Governor by March 1 of each year.

776 Section 15. Chapter 385, Florida Statutes, entitled
777 "Chronic Diseases," is renamed the "Healthy and Fit Florida
778 Act."

779 Section 16. Section 385.101, Florida Statutes, is amended
780 to read:

781 385.101 Short title.--~~This chapter Sections 385.101-~~
782 ~~385.103~~ may be cited as the "Healthy and Fit Florida Chronic
783 ~~Diseases~~ Act."

784 Section 17. Section 385.102, Florida Statutes, is amended
785 to read:

786 385.102 Legislative intent.--It is the finding of the
787 Legislature that:

788 (1) Chronic diseases continue to be the leading cause of
789 death and disability in this state and the country exist in high
790 ~~proportions among the people of this state.~~ These Chronic
791 diseases include, but are not limited to, arthritis,
792 cardiovascular disease ~~heart disease, hypertension,~~ diabetes,
793 renal disease, cancer, and ~~chronic obstructive~~ lung disease.
794 These diseases ~~are~~ often have the same preventable risk factors
795 ~~interrelated,~~ and ~~they directly and indirectly~~ account for a
796 high rate of death, disability, and underlying costs to the
797 state's health care system illness.

798 (2) Chronic diseases have a significant impact on quality
799 of life, not only for the individuals who experience their
800 painful symptoms and resulting disabilities, but also for family

905379

Approved For Filing: 4/23/2009 1:56:58 PM

Amendment No.

801 members and caregivers.

802 (3) Racial and ethnic minorities and other underserved
803 populations are disproportionately affected by chronic diseases.

804 (4) There are enormous medical costs and lost wages
805 associated with chronic diseases and their complications.

806 (5)-(2) Advances in medical knowledge and technology assist
807 have assisted in the prevention, detection, and management of
808 chronic diseases. Comprehensive approaches that stress the
809 stresssing application of current medical treatment, continuing
810 research, professional training, and patient education, and
811 community-level policy and environmental changes should be
812 implemented encouraged.

813 (6)-(3) A comprehensive program dealing with the early
814 detection and prevention of chronic diseases is required to make
815 knowledge and therapy available to all people of this state. The
816 mobilization of scientific, medical, and educational resources,
817 along with the implementation of community-based policy under
818 one comprehensive chronic disease law, act will facilitate the
819 prevention, early intervention, and management treatment of
820 chronic these diseases and their symptoms. This integration of
821 resources and policy will and result in a decline in death and
822 disability illness among the people of this state.

823 (7) Chronic diseases account for 70 percent of all deaths
824 in the United States. The following chronic diseases are the
825 leading causes of death and disability:

826 (a) Heart disease and stroke, which have remained the
827 first and third leading causes of death for both men and women
828 in the United States for over seven decades and account for

905379

Approved For Filing: 4/23/2009 1:56:58 PM

Amendment No.

829 approximately one-third of total deaths each year in this state.

830 (b) Cancer, which is the second leading cause of death and
831 is responsible for one in four deaths in this state.

832 (c) Lung disease, which is the third leading cause of
833 death and accounts for one in every six deaths in this state.

834 (d) Diabetes, which is the sixth leading cause of death in
835 this state.

836 (e) Arthritis, which is the leading cause of disability in
837 the United States, limiting daily activities for more than 19
838 million citizens. In this state, arthritis limits daily
839 activities for an estimated 1.3 million people.

840 (8) The department shall establish, promote, and maintain
841 state-level and local-level programs for chronic disease
842 prevention and health promotion to the extent that funds are
843 specifically made available for this purpose.

844 Section 18. Section 385.1021, Florida Statutes, is created
845 to read:

846 385.1021 Definitions.--As used in this chapter, the term:

847 (1) "CDC" means the United States Centers for Disease
848 Control and Prevention.

849 (2) "Chronic disease" means an illness that is prolonged,
850 does not resolve spontaneously, and is rarely cured completely.

851 (3) "Department" means the Department of Health.

852 (4) "Environmental changes" means changes to the economic,
853 social, or physical natural or built environments which
854 encourage or enable behaviors.

855 (5) "Policy change" means altering an informal or formal
856 agreement between public or private sectors which sets forth

905379

Approved For Filing: 4/23/2009 1:56:58 PM

Amendment No.

857 values, behaviors, or resource allocation in order to improve
858 health.

859 (6) "Primary prevention" means an intervention that is
860 directed toward healthy populations and focuses on avoiding
861 disease before it occurs.

862 (7) "Risk factor" means a characteristic or condition
863 identified during the course of an epidemiological study of a
864 disease that appears to be statistically associated with a high
865 incidence of that disease.

866 (8) "Secondary prevention" means an intervention that is
867 designed to promote the early detection and management of
868 diseases and reduce the risks experienced by at-risk
869 populations.

870 (9) "System changes" means altering standard activities,
871 protocols, policies, processes, and structures carried out in
872 population-based settings, such as schools, worksites, health
873 care facilities, faith-based organizations, and the overall
874 community, which promote and support new behaviors.

875 (10) "Tertiary prevention" means an intervention that is
876 directed at rehabilitating and minimizing the effects of disease
877 in a chronically ill population.

878 (11) "Tobacco" means, without limitation, tobacco itself
879 and tobacco products that include tobacco and are intended or
880 expected for human use or consumption, including, but not
881 limited to, cigarettes, cigars, pipe tobacco, and smokeless
882 tobacco.

883 (12) "Wellness program" means a structured program that is
884 designed or approved by the department to offer intervention

905379

Approved For Filing: 4/23/2009 1:56:58 PM

Amendment No.

885 activities on or off the worksite which help state employees
886 change certain behaviors or adopt healthy lifestyles.

887 (13) "Youth" means children and young adults, up through
888 24 years of age, inclusive.

889 Section 19. Section 385.1022, Florida Statutes, is created
890 to read:

891 385.1022 Chronic disease prevention program.--The
892 department shall support public health programs to reduce the
893 incidence of mortality and morbidity from diseases for which
894 risk factors can be identified. Such risk factors include, but
895 are not limited to, being overweight or obese, physical
896 inactivity, poor nutrition and diet, tobacco use, sun exposure,
897 and other practices that are detrimental to health. The programs
898 shall educate and screen the general public as well as groups at
899 particularly high risk of chronic diseases.

900 Section 20. Section 385.1023, Florida Statutes, is created
901 to read:

902 385.1023 State-level prevention programs for chronic
903 disease.--

904 (1) The department shall create state-level programs that
905 address the leading, preventable chronic disease risk factors of
906 poor nutrition and obesity, tobacco use, sun exposure, and
907 physical inactivity in order to decrease the incidence of
908 arthritis, cancer, diabetes, heart disease, lung disease,
909 stroke, and other chronic diseases.

910 (2) State-level programs shall address, but need not be
911 limited to, the following activities:

912 (a) Monitoring specific causal and behavioral risk factors

905379

Approved For Filing: 4/23/2009 1:56:58 PM

Amendment No.

913 that affect the health of residents in the state.

914 (b) Analyzing data regarding chronic disease mortality and
915 morbidity to track changes over time.

916 (c) Promoting public awareness and increasing knowledge
917 concerning the causes of chronic diseases, the importance of
918 early detection, diagnosis, and appropriate evidence-based
919 prevention, management, and treatment strategies.

920 (d) Disseminating educational materials and information
921 concerning evidence-based results, available services, and
922 pertinent new research findings and prevention strategies to
923 patients, health insurers, health professionals, and the public.

924 (e) Using education and training resources and services
925 developed by organizations having appropriate expertise and
926 knowledge of chronic diseases for technical assistance.

927 (f) Evaluating the quality and accessibility of existing
928 community-based services for chronic disease.

929 (g) Increasing awareness among state and local officials
930 involved in health and human services, health professionals and
931 providers, and policymakers about evidence-based chronic-disease
932 prevention, tobacco cessation, and treatment strategies and
933 their benefits for people who have chronic diseases.

934 (h) Developing a partnership with state and local
935 governments, voluntary health organizations, hospitals, health
936 insurers, universities, medical centers, employer groups,
937 private companies, and health care providers to address the
938 burden of chronic disease in this state.

939 (i) Implementing and coordinating state-level policies in
940 order to reduce the burden of chronic disease.

905379

Approved For Filing: 4/23/2009 1:56:58 PM

Amendment No.

941 (j) Providing lasting improvements in the delivery of
942 health care for individuals who have chronic disease and their
943 families, thus improving their quality of life while also
944 containing health care costs.

945 Section 21. Section 385.103, Florida Statutes, is amended
946 to read:

947 385.103 Community-level ~~Community intervention~~ programs
948 for chronic disease prevention and health promotion.--

949 (1) DEFINITIONS.--As used in this section, the term:

950 (a) "Chronic disease prevention and health promotion
951 ~~control~~ program" means a program that may include, but is not
952 limited to, including a combination of the following elements:

953 1. Staff who are sufficiently trained and skilled in
954 public health, community health, or school health education to
955 facilitate the operation of the program ~~Health screening;~~

956 2. Community input into the planning, implementation, and
957 evaluation processes ~~Risk factor detection;~~

958 3. Use of public health data to make decisions and to
959 develop and prioritize community-based interventions focusing on
960 chronic diseases and their risk factors; ~~Appropriate~~
961 ~~intervention to enable and encourage changes in behaviors that~~
962 ~~create health risks; and~~

963 4. Adherence to a population-based approach by using a
964 socioecological model that addresses the influence on individual
965 behavior, interpersonal behavior, organizational behavior, the
966 community, and public policy; ~~Counseling in nutrition, physical~~
967 ~~activity, the effects of tobacco use, hypertension, blood~~
968 ~~pressure control, and diabetes control and the provision of~~
905379

Approved For Filing: 4/23/2009 1:56:58 PM

Amendment No.

969 ~~other clinical prevention services.~~

970 5. Focus on at least the common preventable risk factors
971 for chronic disease, such as physical inactivity, obesity, poor
972 nutrition, and tobacco use;

973 6. Focus on developing and implementing interventions and
974 activities through communities, schools, worksites, faith-based
975 organizations, and health-care settings;

976 7. Use of evidence-based interventions as well as best and
977 promising practices to guide specific activities and effect
978 change, which may include guidelines developed by organizations,
979 volunteer scientists, and health care professionals who write
980 published medical, scientific statements on various chronic
981 disease topics. The statements shall be supported by scientific
982 studies published in recognized journals that have a rigorous
983 review and approval process. Scientific statements generally
984 include a review of data available on a specific subject and an
985 evaluation of its relationship to overall chronic disease
986 science;

987 8. Use of policy, system, and environmental changes that
988 support healthy behaviors so as to affect large segments of the
989 population and encourage healthy choices;

990 9. Development of extensive and comprehensive evaluation
991 that is linked to program planning at the state level and the
992 community level in order to determine the program's
993 effectiveness or necessary program modifications; and

994 10. Reduction of duplication of efforts through
995 coordination among appropriate entities for the efficient use of
996 resources.

905379

Approved For Filing: 4/23/2009 1:56:58 PM

Amendment No.

997 (b) "~~Community~~ Health education program" means a program
998 that follows ~~involving~~ the planned and coordinated use of ~~the~~
999 educational standards and teaching methods ~~resources available~~
1000 ~~in a community~~ in an effort to provide:

1001 1. Appropriate medical, research-based interventions to
1002 enable and encourage changes in behaviors which reduce or
1003 eliminate health risks;

1004 2. Counseling in nutrition, weight management, physical
1005 inactivity, and tobacco-use prevention and cessation strategies;
1006 hypertension, blood pressure, high cholesterol, and diabetes
1007 control; and other clinical prevention services;

1008 3.1. Motivation and assistance to individuals or groups in
1009 adopting and maintaining ~~Motivate and assist citizens to adopt~~
1010 ~~and maintain~~ healthful practices and lifestyles; and

1011 4.2. Make available Learning opportunities that ~~which~~ will
1012 increase the ability of people to make informed decisions
1013 affecting their personal, family, and community well-being and
1014 that ~~which~~ are designed to facilitate ~~voluntary~~ adoption of
1015 behavior that ~~which~~ will improve or maintain health.~~7~~

1016 ~~3. Reduce, through coordination among appropriate~~
1017 ~~agencies, duplication of health education efforts; and~~

1018 ~~4. Facilitate collaboration among appropriate agencies for~~
1019 ~~efficient use of scarce resources.~~

1020 (c) "Community intervention program" means a program
1021 combining the required elements of a chronic disease prevention
1022 and health promotion ~~control~~ program and the principles of a
1023 ~~community~~ health education program that addresses system,
1024 policy, and environmental changes that ensure that communities

905379

Approved For Filing: 4/23/2009 1:56:58 PM

Amendment No.

1025 provide support for healthy lifestyles into a unified program
1026 over which a single administrative entity has authority and
1027 responsibility.

1028 ~~(d) "Department" means the Department of Health.~~

1029 ~~(e) "Risk factor" means a factor identified during the~~
1030 ~~course of an epidemiological study of a disease, which factor~~
1031 ~~appears to be statistically associated with a high incidence of~~
1032 ~~that disease.~~

1033 (2) OPERATION OF COMMUNITY-LEVEL COMMUNITY INTERVENTION
1034 PROGRAMS FOR CHRONIC DISEASE PREVENTION AND HEALTH PROMOTION.--

1035 (a) The department shall develop and implement a
1036 comprehensive, community-based program for chronic disease
1037 prevention and health promotion. The program shall be designed
1038 to reduce major behavioral risk factors that are associated with
1039 chronic diseases by enhancing the knowledge, skills, motivation,
1040 and opportunities for individuals, organizations, health care
1041 providers, small businesses, health insurers, and communities to
1042 develop and maintain healthy lifestyles. ~~The department shall~~
1043 ~~assist the county health departments in developing and operating~~
1044 ~~community intervention programs throughout the state. At a~~
1045 ~~minimum, the community intervention programs shall address one~~
1046 ~~to three of the following chronic diseases: cancer, diabetes,~~
1047 ~~heart disease, stroke, hypertension, renal disease, and chronic~~
1048 ~~obstructive lung disease.~~

1049 (b) The program shall include:

1050 1. Countywide assessments of specific, causal, and
1051 behavioral risk factors that affect the health of residents;

1052 2. The development of community-based programs for chronic

905379

Approved For Filing: 4/23/2009 1:56:58 PM

Amendment No.

1053 disease prevention and health promotion which incorporate health
1054 promotion and preventive care practices that are supported in
1055 scientific and medical literature;

1056 3. The development and implementation of statewide age-
1057 specific, disease-specific, and community-specific health
1058 promotion and preventive care strategies using primary,
1059 secondary, and tertiary prevention interventions;

1060 4. The promotion of community, research-based health-
1061 promotion model programs that meet specific criteria, address
1062 major risk factors, and motivate individuals to permanently
1063 adopt healthy behaviors and increase social and personal
1064 responsibilities;

1065 5. The development of policies that encourage the use of
1066 alternative community delivery sites for health promotion,
1067 disease prevention, and preventive care programs and promote the
1068 use of neighborhood delivery sites that are close to work, home,
1069 and school; and

1070 6. An emphasis on the importance of healthy and physically
1071 active lifestyles to build self-esteem and reduce morbidity and
1072 mortality associated with chronic disease and being overweight
1073 or obese. Existing community resources, when available, shall be
1074 used to support the programs. The department shall seek funding
1075 for the programs from federal and state financial assistance
1076 programs which presently exist or which may be hereafter
1077 created. Additional services, as appropriate, may be
1078 incorporated into a program to the extent that resources are
1079 available. The department may accept gifts and grants in order
1080 to carry out a program.

905379

Approved For Filing: 4/23/2009 1:56:58 PM

Amendment No.

1081 ~~(c) Volunteers shall be used to the maximum extent~~
1082 ~~possible in carrying out the programs. The department shall~~
1083 ~~contract for the necessary insurance coverage to protect~~
1084 ~~volunteers from personal liability while acting within the scope~~
1085 ~~of their volunteer assignments under a program.~~

1086 ~~(d) The department may contract for the provision of all~~
1087 ~~or any portion of the services required by a program, and shall~~
1088 ~~so contract whenever the services so provided are more cost-~~
1089 ~~efficient than those provided by the department.~~

1090 ~~(e) If the department determines that it is necessary for~~
1091 ~~clients to help pay for services provided by a program, the~~
1092 ~~department may require clients to make contribution therefor in~~
1093 ~~either money or personal services. The amount of money or value~~
1094 ~~of the personal services shall be fixed according to a fee~~
1095 ~~schedule established by the department or by the entity~~
1096 ~~developing the program. In establishing the fee schedule, the~~
1097 ~~department or the entity developing the program shall take into~~
1098 ~~account the expenses and resources of a client and his or her~~
1099 ~~overall ability to pay for the services.~~

1100 Section 22. Section 385.105, Florida Statutes, is created
1101 to read:

1102 385.105 Physical activity, obesity prevention, nutrition,
1103 other health-promotion services, and wellness programs.--

1104 (1) PHYSICAL ACTIVITY--.

1105 (a) The department shall develop programs for people at
1106 every stage of their lives to increase physical fitness and
1107 promote behavior changes.

1108 (b) The department shall work with school health advisory
905379

Approved For Filing: 4/23/2009 1:56:58 PM

Amendment No.

1109 or wellness committees in each school district as established in
1110 s. 381.0056.

1111 (c) The department shall develop public and private
1112 partnerships that allow the public to easily access recreational
1113 facilities and public land areas that are suitable for physical
1114 activity.

1115 (d) The department shall work in collaboration with the
1116 Executive Office of the Governor and Volunteer Florida, Inc., to
1117 promote school initiatives, such as the Governor's Fitness
1118 Challenge.

1119 (e) The department shall collaborate with the Department
1120 of Education in recognizing nationally accepted best practices
1121 for improving physical education in schools.

1122 (2) OBESITY PREVENTION.--The department shall promote
1123 healthy lifestyles to reduce the prevalence of excess weight
1124 gain and being overweight or obese through programs that are
1125 directed towards all residents of this state by:

1126 (a) Using all appropriate media to promote maximum public
1127 awareness of the latest research on healthy lifestyles and
1128 chronic diseases and disseminating relevant information through
1129 a statewide clearinghouse relating to wellness, physical
1130 activity, and nutrition and the effect of these factors on
1131 chronic diseases and disabling conditions.

1132 (b) Providing technical assistance, training, and
1133 resources on healthy lifestyles and chronic diseases to the
1134 public, health care providers, school districts, and other
1135 persons or entities, including faith-based organizations that
1136 request such assistance to promote physical activity, nutrition,
905379

Amendment No.

1137 and healthy lifestyle programs.

1138 (c) Developing, implementing, and using all available
1139 research methods to collect data, including, but not limited to,
1140 population-specific data, and tracking the incidence and effects
1141 of weight gain, obesity, and related chronic diseases. The
1142 department shall include an evaluation and data-collection
1143 component in all programs as appropriate. All research conducted
1144 under this paragraph is subject to review and approval as
1145 required by the department's institutional review board under s.
1146 381.86.

1147 (d) Entering into partnerships with the Department of
1148 Education, local communities, school districts, and other
1149 entities to encourage schools in this state to promote
1150 activities during and after school to help students meet a
1151 minimum goal of 30 minutes of physical activity or physical
1152 fitness per day.

1153 (e) Entering into partnerships with the Department of
1154 Education, school districts, and the Florida Sports Foundation
1155 to develop a programs recognizing the schools at which students
1156 demonstrate excellent physical fitness or fitness improvement.

1157 (f) Collaborating with other state agencies to develop
1158 policies and strategies for preventing and treating obesity,
1159 which shall be incorporated into programs administered by each
1160 agency and shall include promoting healthy lifestyles of
1161 employees of each agency.

1162 (g) Advising, in accordance with s. 456.081, health care
1163 practitioners about the morbidity, mortality, and costs
1164 associated with being overweight or obese, informing such

905379

Approved For Filing: 4/23/2009 1:56:58 PM

Amendment No.

1165 practitioners of promising clinical practices for preventing and
1166 treating obesity, and encouraging practitioners to counsel their
1167 patients regarding the adoption of healthy lifestyles.

1168 (h) Maximizing all local, state, and federal funding
1169 sources, including grants, public-private partnerships, and
1170 other mechanisms to strengthen the department's programs
1171 promoting physical activity and nutrition.

1172 (3) NUTRITION.--The department shall promote optimal
1173 nutritional status in all stages of people's lives by developing
1174 strategies to:

1175 (a) Promote and maintain optimal nutritional status in the
1176 population through activities, including, but not limited to:

1177 1. Nutrition screening and assessment and nutrition
1178 counseling, including nutrition therapy, followup, case
1179 management, and referrals for persons who have medical
1180 conditions or nutrition-risk factors and who are provided health
1181 services through public health programs or through referrals
1182 from private health care providers or facilities;

1183 2. Nutrition education to assist residents of the state in
1184 achieving optimal health and preventing chronic disease; and

1185 3. Consultative nutrition services to group facilities
1186 which promote the provision of safe and nutritionally adequate
1187 diets.

1188 (b) Monitor and conduct surveillance of the nutritional
1189 status of this state's population.

1190 (c) Conduct or support research or evaluations related to
1191 public health nutrition. All research conducted under this
1192 paragraph is subject to review and approval as required by the
905379

Approved For Filing: 4/23/2009 1:56:58 PM

Amendment No.

1193 department's institutional review board under s. 381.86.

1194 (d) Establish policies and standards for public health
1195 nutrition practices.

1196 (e) Promote interagency cooperation, professional
1197 education, and consultation.

1198 (f) Provide technical assistance and advise state
1199 agencies, private institutions, and local organizations
1200 regarding public health nutrition standards.

1201 (g) Work with the Department of Agriculture and Consumer
1202 Services, the Department of Education, and the Department of
1203 Management Services to further the use of fresh produce from
1204 this state in schools and encourage the development of community
1205 gardens. Nutritional services shall be available to eligible
1206 persons in accordance with eligibility criteria adopted by the
1207 department. The department shall provide by rule requirements
1208 for the service fees, when applicable, which may not exceed the
1209 department's actual costs.

1210

1211 The department may adopt rules to administer this subsection.

1212 (4) OTHER HEALTH-PROMOTION SERVICES.--

1213 (a) The department shall promote personal responsibility
1214 by encouraging residents of this state to be informed, follow
1215 health recommendations, seek medical consultations and health
1216 assessments, take healthy precautions, and comply with medical
1217 guidelines, including those that lead to earlier detection of
1218 chronic diseases in order to prevent chronic diseases or slow
1219 the progression of established chronic diseases.

1220 (b) The department shall promote regular health visits

905379

Approved For Filing: 4/23/2009 1:56:58 PM

Amendment No.

1221 during a person's lifetime, including annual physical
1222 examinations that include measuring body mass index and vital
1223 signs, blood work, immunizations, screenings, and dental
1224 examinations in order to reduce the financial, social, and
1225 personal burden of chronic disease.

1226 (5) WELLNESS PROGRAMS.--

1227 (a) Each state agency may conduct employee wellness
1228 programs in buildings and lands owned or leased by the state.
1229 The department shall serve as a model to develop and implement
1230 employee wellness programs that may include physical fitness,
1231 healthy nutrition, self-management of disease, education, and
1232 behavioral change. The department shall assist other state
1233 agencies to develop and implement employee wellness programs.
1234 These programs shall use existing resources, facilities, and
1235 programs or resources procured through grant funding and
1236 donations that are obtained in accordance with state ethics and
1237 procurement policies, and shall provide equal access to any such
1238 programs, resources, and facilities to all state employees.

1239 (b) The department shall coordinate its efforts with the
1240 Department of Management Services and other state agencies.

1241 (c) Each agency may establish an employee wellness work
1242 group to design the program. The department shall be available
1243 to provide policy guidance and assist in identifying effective
1244 wellness program strategies.

1245 (d) The department shall provide by rule requirements for
1246 nominal participation fees, when applicable, which may not
1247 exceed the department's actual costs; collaborations with
1248 businesses; and the procurement of equipment and incentives.

905379

Approved For Filing: 4/23/2009 1:56:58 PM

Amendment No.

1249 Section 23. Section 385.202, Florida Statutes, is amended
1250 to read:

1251 385.202 Statewide cancer registry.--

1252 (1) Each facility, laboratory, or practitioner licensed
1253 under chapter 395, chapter 458, chapter 459, chapter 464,
1254 chapter 483, and each freestanding radiation therapy center as
1255 defined in s. 408.07, shall report to the department ~~of Health~~
1256 ~~such~~ information, specified by the department, by rule. The
1257 department may adopt rules regarding reporting requirements for
1258 the cancer registry, which shall include the data required, the
1259 timeframe for reporting, and those professionals who are
1260 responsible for ensuring compliance with reporting requirements,
1261 ~~which indicates diagnosis, stage of disease, medical history,~~
1262 ~~laboratory data, tissue diagnosis, and radiation, surgical, or~~
1263 ~~other methods of diagnosis or treatment for each cancer~~
1264 ~~diagnosed or treated by the facility or center. Failure to~~
1265 ~~comply with this requirement may be cause for registration or~~
1266 ~~licensure suspension or revocation.~~

1267 (2) The department shall establish, or cause to have
1268 established, by contract with a recognized medical organization
1269 in this state and its affiliated institutions, a statewide
1270 cancer registry program to ensure that cancer reports required
1271 under this section shall be maintained and available for use in
1272 the course of public health surveillance and any study for the
1273 purpose of reducing morbidity or mortality; and no liability of
1274 any kind or character for damages or other relief shall arise or
1275 be enforced against any facility or practitioner ~~hospital~~ by
1276 reason of having provided such information or material to the
905379

Approved For Filing: 4/23/2009 1:56:58 PM

Amendment No.

1277 department.

1278 (3) The department may adopt rules regarding the
1279 establishment and operation of a statewide cancer registry
1280 program.

1281 (4)~~(3)~~ The department or a contractual designee operating
1282 the statewide cancer registry program required by this section
1283 shall use or publish said material only for the purpose of
1284 public health surveillance and advancing medical research or
1285 medical education in the interest of reducing morbidity or
1286 mortality, except that a summary of such studies may be released
1287 for general publication. Information which discloses or could
1288 lead to the disclosure of the identity of any person whose
1289 condition or treatment has been reported and studied shall be
1290 confidential and exempt from the provisions of s. 119.07(1),
1291 except that:

1292 (a) Release may be made with the written consent of all
1293 persons to whom the information applies;

1294 (b) The department or a contractual designee may contact
1295 individuals for the purpose of epidemiologic investigation and
1296 monitoring, provided information that is confidential under this
1297 section is not further disclosed; or

1298 (c) The department may exchange personal data with any
1299 other governmental agency or a contractual designee for the
1300 purpose of public health surveillance and medical or scientific
1301 research, if provided such governmental agency or contractual
1302 designee does shall not further disclose information that is
1303 confidential under this section.

1304 (5)~~(4)~~ Funds appropriated for this section shall be used
905379

Approved For Filing: 4/23/2009 1:56:58 PM

Amendment No.

1305 for establishing, administering, compiling, processing, and
1306 providing biometric and statistical analyses to the reporting
1307 facilities and practitioners. Funds may also be used to ensure
1308 the quality and accuracy of the information reported and to
1309 provide management information to the reporting facilities and
1310 practitioners.

1311 (6)(5) The department may adopt rules regarding the
1312 classifications of, by rule, classify facilities that are
1313 responsible for making reports to the cancer registry, the
1314 content and frequency of the reports, and the penalty for
1315 failure to comply with these requirements for purposes of
1316 reports made to the cancer registry and specify the content and
1317 frequency of the reports. In classifying facilities, the
1318 department shall exempt certain facilities from reporting cancer
1319 information that was previously reported to the department or
1320 retrieved from existing state reports made to the department or
1321 the Agency for Health Care Administration. The provisions of
1322 This section does ~~shall~~ not apply to any facility whose primary
1323 function is to provide psychiatric care to its patients.

1324 (7) Notwithstanding subsection (1), each facility and
1325 practitioner that reports cancer cases to the department shall
1326 make their records available for onsite review by the department
1327 or its authorized representative.

1328 Section 24. Subsection (3) of section 385.203, Florida
1329 Statutes, is amended to read:

1330 385.203 Diabetes Advisory Council; creation; function;
1331 membership.--

1332 (3) The council shall be composed of 26 ~~25~~ citizens of the
905379

Approved For Filing: 4/23/2009 1:56:58 PM

Amendment No.

1333 state who have knowledge of, or work in, the area of diabetes
1334 mellitus as follows:

1335 (a) Five interested citizens, three of whom are affected
1336 by diabetes.

1337 (b) Twenty-one ~~Twenty~~ members, who must include one
1338 representative from each of the following areas: nursing with
1339 diabetes-educator certification; dietary with diabetes educator
1340 certification; podiatry; ophthalmology or optometry; psychology;
1341 pharmacy; adult endocrinology; pediatric endocrinology; the
1342 American Diabetes Association (ADA); the Juvenile Diabetes
1343 Foundation (JDF); the Florida Academy of Family Physicians; a
1344 community health center; a county health department; an American
1345 Diabetes Association recognized community education program;
1346 each medical school in the state; an osteopathic medical school;
1347 the insurance industry; a Children's Medical Services diabetes
1348 regional program; and an employer.

1349 (c) One or more representatives from the Department of
1350 Health, who shall serve on the council as ex officio members.

1351 Section 25. Section 385.206, Florida Statutes, is amended
1352 to read:

1353 385.206 Pediatric Hematology-Oncology ~~care~~ Center
1354 Program.--

1355 (1) DEFINITIONS.--As used in this section, the term:

1356 (a) "Department" means the Department of Health.

1357 (b) "Hematology" means the study, diagnosis, and treatment
1358 of blood and blood-forming tissues.

1359 (c) "Oncology" means the study, diagnosis, and treatment
1360 of malignant neoplasms or cancer.

905379

Approved For Filing: 4/23/2009 1:56:58 PM

Amendment No.

1361 (d) "Hemophilia" or "other hemostatic disorder" means a
1362 bleeding disorder resulting from a genetic abnormality of
1363 mechanisms related to the control of bleeding.

1364 (e) "Sickle-cell anemia or other hemoglobinopathy" means
1365 an hereditary, chronic disease caused by an abnormal type of
1366 hemoglobin.

1367 (f) "Patient" means a person under the age of 21 who is in
1368 need of hematologic-oncologic services and who is enrolled in
1369 the Children's Medical Services Network ~~declared medically and~~
1370 ~~financially eligible by the department; or a person who received~~
1371 ~~such services prior to age 21 and who requires long term~~
1372 ~~monitoring and evaluation to ascertain the sequelae and the~~
1373 ~~effectiveness of treatment.~~

1374 (g) "Center" means a facility designated by the department
1375 as having a program specifically designed to provide a full
1376 range of medical and specialty services to patients with
1377 hematologic and oncologic disorders.

1378 (2) PEDIATRIC HEMATOLOGY-ONCOLOGY CARE CENTER PROGRAM;
1379 AUTHORITY.--The department may designate ~~is authorized to make~~
1380 ~~grants and reimbursements to designated centers and provide~~
1381 funding ~~to establish and~~ maintain programs for the care of
1382 patients with hematologic and oncologic disorders. Program
1383 administration costs shall be paid by the department from funds
1384 appropriated for this purpose.

1385 (3) GRANT FUNDING CONTRACTS ~~GRANT AGREEMENTS;~~
1386 CONDITIONS.--

1387 (a) Funding provided ~~A grant made~~ under this section shall
1388 be pursuant to a contract ~~contractual agreement~~ made between a
905379

Approved For Filing: 4/23/2009 1:56:58 PM

Amendment No.

1389 center and the department. Each contract ~~agreement~~ shall provide
1390 that patients will receive services ~~specified types of treatment~~
1391 ~~and care~~ from the center without additional charge to the
1392 patients or their parents or guardians. ~~Grants shall be~~
1393 ~~disbursed in accordance with conditions set forth in the~~
1394 ~~disbursement guidelines.~~

1395 ~~(4) GRANT DISBURSEMENTS AND SPECIAL DISBURSEMENTS FOR~~
1396 ~~LOCAL PROGRAMS.--~~

1397 ~~(b)(a)~~ Funding may be provided ~~Grant disbursements may be~~
1398 ~~made~~ to centers that ~~which~~ meet the following criteria:

1399 1. The personnel shall include at least one board-
1400 certified pediatric hematologist-oncologist, at least one board-
1401 certified pediatric surgeon, at least one board-certified
1402 radiotherapist, and at least one board-certified pathologist.

1403 2. ~~As approved by the department,~~ The center shall
1404 actively participate in a national children's cancer study
1405 group, maintain a pediatric tumor registry, have a
1406 multidisciplinary pediatric tumor board, and meet other
1407 guidelines for development, including, but not limited to,
1408 guidelines from such organizations as the American Academy of
1409 Pediatrics and the American Pediatric Surgical Association.

1410 ~~(b) Programs shall also be established to provide care to~~
1411 ~~hematology-oncology patients within each district of the~~
1412 ~~department. The guidelines for local programs shall be~~
1413 ~~formulated by the department. Special disbursements may be made~~
1414 ~~by the program office to centers for educational programs~~
1415 ~~designed for the districts of the department. These programs may~~
1416 ~~include teaching total supportive care of the dying patient and~~
905379

Approved For Filing: 4/23/2009 1:56:58 PM

Amendment No.

1417 ~~his or her family, home therapy to hemophiliacs and patients~~
1418 ~~with other hemostatic disorders, and screening and counseling~~
1419 ~~for patients with sickle-cell anemia or other~~
1420 ~~hemoglobinopathies.~~

1421 (4) ~~(5)~~ PROGRAM AND PEER REVIEW.--The department shall
1422 evaluate ~~at least annually during the grant period~~ the services
1423 rendered by the centers ~~and the districts of the department~~.
1424 Data from the centers and other sources relating to pediatric
1425 cancer shall be reviewed annually by the Florida Association of
1426 Pediatric Tumor Programs, Inc.; and a written report with
1427 recommendations shall be made to the department. This database
1428 will be available to the department for program planning and
1429 quality assurance initiatives ~~formulation of its annual program~~
1430 ~~and financial evaluation report~~. A portion of the funds
1431 appropriated for this section may be used to provide statewide
1432 consultation, supervision, and evaluation of the programs of the
1433 centers, as well as central program office support personnel.

1434 Section 26. Paragraph (g) of subsection (2) and subsection
1435 (7) of section 385.207, Florida Statutes, are amended to read:

1436 385.207 Care and assistance of persons with epilepsy;
1437 establishment of programs in epilepsy control.--

1438 (2) The Department of Health shall:

1439 (g) Continue current programs and develop cooperative
1440 programs and services designed to enhance the vocational
1441 rehabilitation of epilepsy clients, including the current jobs
1442 programs. The department shall, as part of its contract with a
1443 provider of epilepsy services, collect information regarding the
1444 number of clients served, the outcomes reached, the expenses

905379

Approved For Filing: 4/23/2009 1:56:58 PM

Amendment No.

1445 incurred, and the fees collected by such providers for the
1446 provision of services ~~keep~~ and make this information available
1447 to the Governor and the Legislature upon request ~~information~~
1448 ~~regarding the number of clients served, the outcome reached, and~~
1449 ~~the expense incurred by such programs and services.~~

1450 ~~(7) The department shall limit total administrative~~
1451 ~~expenditures from the Epilepsy Services Trust Fund to 5 percent~~
1452 ~~of annual receipts.~~

1453 Section 27. Paragraphs (b), (d), and (g) of subsection (2)
1454 and paragraph (b) of subsection (5) of section 385.210, Florida
1455 Statutes, are amended to read:

1456 385.210 Arthritis prevention and education.--

1457 (2) LEGISLATIVE FINDINGS.--The Legislature finds the
1458 following:

1459 (b) Arthritis is the leading cause of disability in the
1460 United States, limiting daily activities for more than 19 7
1461 million citizens.

1462 (d) There are enormous economic and social costs
1463 associated with treating arthritis and its complications; the
1464 economic costs are estimated at over \$128 billion (2003) ~~\$116~~
1465 ~~billion (1997)~~ annually in the United States.

1466 (g) The National Arthritis Foundation, the CDC ~~Centers for~~
1467 ~~Disease Control and Prevention~~, and the Association of State and
1468 Territorial Health Officials have led the development of a
1469 public health strategy, the National Arthritis Action Plan, to
1470 respond to this challenge.

1471 (5) FUNDING.--

1472 (b) The State Surgeon General may ~~shall~~ seek any federal
905379

Amendment No.

1473 waiver or waivers that may be necessary to maximize funds from
1474 the Federal Government to implement this program.

1475 Section 28. Section 385.301, Florida Statutes, is created
1476 to read:

1477 385.301 Rulemaking authority.--The department may adopt
1478 rules pursuant to chapter 120 to administer this chapter.

1479 Section 29. Section 385.401, Florida Statutes, is created
1480 to read:

1481 385.401 Direct-support organization.--

1482 (1) DIRECT-SUPPORT ORGANIZATION ESTABLISHED.--The
1483 Department of Health may establish a direct-support organization
1484 to provide assistance, funding, and support for the department
1485 in carrying out its mission upon written approval by the State
1486 Surgeon General. This section governs the creation, use, powers,
1487 and duties of the direct-support organization.

1488 (2) DEFINITIONS.--As used in this section, the term:

1489 (a) "Department" means the Department of Health.

1490 (b) "Direct-support organization" means an organization
1491 that is:

1492 1. A Florida corporation, not for profit, incorporated
1493 under chapter 617, exempted from filing fees, and approved by
1494 the Department of State;

1495 2. Organized and operated to conduct programs and
1496 activities; to initiate developmental projects; to raise funds;
1497 to request and receive grants, gifts, and bequests of moneys; to
1498 acquire, receive, hold, invest, and administer in its own name
1499 securities, funds, or property; and to make expenditures to or
1500 for the direct or indirect benefit of the state public health

905379

Approved For Filing: 4/23/2009 1:56:58 PM

Amendment No.

1501 system through the department or its individual county health
1502 departments;

1503 3. Determined by the department to be operating in a
1504 manner consistent with the priority issues and objectives of the
1505 department and in the best interest of the state; and

1506 4. Approved in writing by the State Surgeon General to
1507 operate for the direct or indirect benefit of the department or
1508 its individual county health departments. This approval shall be
1509 in a form determined by the department.

1510 (3) BOARD OF DIRECTORS.--The direct-support organization
1511 shall be governed by a board of directors.

1512 (a) The board of directors shall consist of no fewer than
1513 seven members appointed by the State Surgeon General. Networks
1514 and partnerships in this state which are involved in issues
1515 related to public health may recommend nominees to the State
1516 Surgeon General.

1517 (b) The term of office of the board members shall be 3
1518 years, except that the terms of the initial appointees shall be
1519 for 1 year, 2 years, or 3 years in order to achieve staggered
1520 terms. A member may be reappointed when his or her term expires.
1521 The State Surgeon General or his or her designee shall serve as
1522 an ex officio member of the board of directors.

1523 (c) Members must be current residents of this state. A
1524 majority of the members must be highly knowledgeable about the
1525 department, its service personnel, and its missions. The board
1526 must include members from county government, the health care
1527 industry, the medical community, and other components of the
1528 public health system. The State Surgeon General may remove any

905379

Approved For Filing: 4/23/2009 1:56:58 PM

Amendment No.

1529 member of the board for cause and with the approval of a
1530 majority of the members of the board of directors. The State
1531 Surgeon General shall appoint a replacement for any vacancy that
1532 occurs.

1533 (4) USE OF PROPERTY.--

1534 (a) The department and each county health department in
1535 the state may allow, without charge, the use of the department's
1536 fixed property and facilities within the state public health
1537 system by the direct-support organization, subject to this
1538 section. Use of the fixed property and facilities by the direct
1539 support organization may not interfere with use of the fixed
1540 property and facilities by the department's clients or staff.

1541 (b) The department may not allow the use of its fixed
1542 property and facilities by any direct-support organization that
1543 is organized under this section and does not provide equal
1544 employment opportunities to all persons regardless of race,
1545 color, national origin, gender, age, or religion.

1546 (5) DIRECTIVES.--The direct-support organization that is
1547 organized under this section shall comply with directives and
1548 requirements established by the sources of its funding.

1549 (6) ANNUAL BUDGETS AND REPORTS.--

1550 (a) The fiscal year of the direct-support organization
1551 shall begin on July 1 of each year and end on June 30 of the
1552 following year.

1553 (b) The direct-support organization shall submit to the
1554 department its federal Internal Revenue Service Application for
1555 Recognition of Exemption form and its federal Internal Revenue
1556 Service Return of Organization Exempt from Income Tax form.

905379

Approved For Filing: 4/23/2009 1:56:58 PM

Amendment No.

1557 (7) ANNUAL AUDIT.--The direct-support organization shall
1558 provide for an annual financial audit in accordance with s.
1559 215.981.

1560 Section 30. Subsection (9) of section 409.904, Florida
1561 Statutes, is amended to read:

1562 409.904 Optional payments for eligible persons.--The
1563 agency may make payments for medical assistance and related
1564 services on behalf of the following persons who are determined
1565 to be eligible subject to the income, assets, and categorical
1566 eligibility tests set forth in federal and state law. Payment on
1567 behalf of these Medicaid eligible persons is subject to the
1568 availability of moneys and any limitations established by the
1569 General Appropriations Act or chapter 216.

1570 (9) Eligible women with incomes at or below 200 percent of
1571 the federal poverty level and under age 65, for cancer treatment
1572 pursuant to the federal Breast and Cervical Cancer Prevention
1573 and Treatment Act of 2000, screened through the Mary Brogan
1574 Breast and Cervical Cancer Early Detection Program established
1575 under s. 385.2021 ~~s. 381.93~~.

1576 Section 31. The Pharmacy and Therapeutic Advisory
1577 Council.--

1578 (1) The Pharmacy and Therapeutic Advisory Council is
1579 created within the Executive Office of the Governor to serve in
1580 an advisory capacity to the Department of Health and other
1581 governmental agencies. The council may not interfere with
1582 existing mandated Medicaid services and may not develop or
1583 implement new ones. Specifically, the council may not interfere
1584 with the work of the Agency for Health Care Administration as it
905379

Approved For Filing: 4/23/2009 1:56:58 PM

Amendment No.

1585 complies with federal and state statutory obligations to develop
1586 a preferred drug list, to negotiate rebate agreements for
1587 medications included in the preferred drug list, and to protect
1588 the confidentiality of rebate agreements. The council may not
1589 interfere with the Medicaid Pharmacy and Therapeutics Committee
1590 or the Drug Utilization Review Board, which oversee clinical
1591 activities within the Bureau of Pharmacy Services if such
1592 interference would violate any federal or state statutory
1593 obligations.

1594 (2) The Pharmacy and Therapeutic Advisory Council shall
1595 use Medicaid processes within the existing Medicaid structure of
1596 the Agency for Health Care Administration as a guide for
1597 assisting state agencies in:

1598 (a) Developing an unbiased clinical perspective on drug
1599 evaluations and utilization protocols that are relevant to
1600 patient care provided through programs administered by state
1601 agencies.

1602 (b) Developing drug-utilization-review processes that are
1603 relevant to the agencies and those receiving care through
1604 programs administered by the agencies.

1605 (c) Building a formulary structure that enforces formulary
1606 compliance or adherence within each agency.

1607 (d) Performing pharmacoeconomic analyses on formulary
1608 management so that the state maximizes the cost-effectiveness of
1609 its pharmaceutical purchasing.

1610 (e) Reviewing new and existing therapies using criteria
1611 established for efficacy, safety, and quality in order to
1612 maximize cost-effective purchasing.

905379

Approved For Filing: 4/23/2009 1:56:58 PM

Amendment No.

1613 (f) Reviewing state agency proposals to maximize the cost-
1614 effectiveness of pharmaceutical purchasing in compliance with s.
1615 381.0203.

1616 (3) The council shall verify the cost-effectiveness and
1617 clinical efficacy of any state contracts under s. 381.0203(1),
1618 Florida Statutes, no less than once every 2 years.

1619 (4) The members of the council and the chair shall be
1620 appointed by the Governor to 4-year staggered terms or until
1621 their successors are appointed. Members may be appointed to more
1622 than one term. The Governor shall fill any vacancies for the
1623 remainder of the unexpired term in the same manner as the
1624 original appointment.

1625 (5) The council shall include voting and nonvoting
1626 members, and the chair, who is a voting member, must be a
1627 pharmacist employed by a state agency.

1628 (a) The voting members shall represent:

1629 1. The Agency for Health Care Administration.

1630 2. The Agency for Persons with Disabilities.

1631 3. The Department of Children and Family Services.

1632 4. The Department of Corrections.

1633 5. The Department of Elderly Affairs.

1634 6. The Department of Health.

1635 7. The Department of Juvenile Justice.

1636 8. The Bureau of Pharmacy Services within the Agency for
1637 Health Care Administration, which shall be represented by the
1638 bureau chief.

1639 9. The Bureau of Statewide Pharmaceutical Services within
1640 the Department of Health, which shall be represented by the
905379

Approved For Filing: 4/23/2009 1:56:58 PM

Amendment No.

1641 bureau chief.

1642 (b) The nonvoting members shall be:

1643 1. A representative from the Agency for Health Care
1644 Administration's drug contracting program.

1645 2. The contracting officer for the Department of Health's
1646 drug procurement program.

1647 3. A clinical pharmacy program manager from the Agency for
1648 Health Care Administration.

1649 4. The chair of the Department of Health's Pharmacy and
1650 Therapeutics Committee.

1651 5. The general counsel for the Agency for Health Care
1652 Administration or his or her designee.

1653 6. The general counsel for a state agency in the executive
1654 branch of state government, or his or her designee.

1655 7. A representative from the Executive Office of the
1656 Governor.

1657 8. The statewide pharmacy director of the Department of
1658 Corrections' Office of Health Services.

1659 (6) Members of the council shall consist of at least one
1660 physician licensed under chapter 458 or chapter 459, Florida
1661 Statutes, at least one pharmacist licensed under chapter 465,
1662 Florida Statutes, and at least one registered nurse licensed
1663 under chapter 464, Florida Statutes. Each member designated in
1664 this subsection must have an active license in his or her
1665 profession and may not have been the subject of any agency
1666 disciplinary action.

1667 (7) Members, who must be residents of this state, shall be
1668 selected on the basis of specialty, board certification, prior

905379

Approved For Filing: 4/23/2009 1:56:58 PM

Amendment No.

1669 pharmacy and therapeutic experience, experience treating medical
1670 assistance recipients, ability to represent a broad base of
1671 constituents, and number of years of practice. Members must not
1672 have any conflicts of interest due to their service on the
1673 council.

1674 (8) The council may request the participation of
1675 additional subject-matter experts to address specific drug,
1676 therapeutic, or drug-procurement issues under review by the
1677 council.

1678 (9) A majority of the members of the council constitutes a
1679 quorum, and an affirmative vote of a majority of the voting
1680 members is necessary to take action.

1681 (10) The council shall meet quarterly or at the call of
1682 the chair.

1683 (11) The council shall be staffed by the chair's
1684 department or agency.

1685 (12) The council members shall serve without compensation,
1686 but are entitled to reimbursement for travel and per diem
1687 expenses incurred in the performance of their duties in
1688 accordance with s. 112.061, Florida Statutes.

1689 Section 32. Paragraph (g) is added to subsection (53) of
1690 section 499.003, Florida Statutes, to read:

1691 499.003 Definitions of terms used in this part.--As used
1692 in this part, the term:

1693 (53) "Wholesale distribution" means distribution of
1694 prescription drugs to persons other than a consumer or patient,
1695 but does not include:

1696 (g) The sale, purchase, trade, or transfer of a

905379

Approved For Filing: 4/23/2009 1:56:58 PM

Amendment No.

prescription drug among agencies and health care entities of the state to complete the dispensing of the prescription drug to a patient under the care of a state agency or health care entity, or to a patient for whom the state is responsible for providing or arranging health care services. The agency or health care entity that received the prescription drug on behalf of the patient is deemed the patient's agent under s. 465.003(6).

Section 33. This act shall take effect July 1, 2009.

T I T L E A M E N D M E N T

Remove the entire title and insert:

A bill to be entitled

An act relating to health care; amending s. 154.503, F.S.; conforming a cross-reference; repealing s. 381.0053, F.S., relating to a comprehensive nutrition program; repealing s. 381.0054, F.S., relating to healthy lifestyles promotion; repealing ss. 381.732, 381.733, and 381.734, F.S., relating to the Healthy Communities, Healthy People Act; amending s. 381.006, F.S.; requiring the Department of Health, when conducting an environmental health program inspection of a certified domestic violence center to limit the inspection of the domestic violence center to the requirements set forth in the department's rules applicable to community-based residential facilities with five or fewer residents; requiring a report to the Governor and Legislature prior to proceeding with nitrogen

905379

Approved For Filing: 4/23/2009 1:56:58 PM

HOUSE AMENDMENT

Bill No. CS/HB 1471

Amendment No.

1725 reduction activities; ; amending s. 381.0072, F.S.;

1726 requiring the Department of Health, when conducting a food

1727 service inspection of a certified domestic violence center

1728 to limit the inspection of the domestic violence center to

1729 the requirements set forth in the department's rules

1730 applicable to community-based residential facilities with

1731 five or fewer residents; amending s. 381.0203, F.S.;

1732 requiring certain state agencies to purchase drugs through

1733 the statewide purchasing contract administered by the

1734 Department of Health; providing an exception; requiring

1735 the department to establish and maintain certain pharmacy

1736 services program; transferring, renumbering, and amending

1737 s. 381.84, F.S., relating to the Comprehensive Statewide

1738 Tobacco Education and Use Prevention Program; revising

1739 definitions; revising program components; requiring

1740 program components to include efforts to educate youth and

1741 their parents about tobacco use; requiring a youth-

1742 directed focus in each program component; requiring the

1743 Tobacco Education and Use Prevention Advisory Council to

1744 adhere to state ethics laws; providing that meetings of

1745 the council are subject to public-records and public-

1746 meetings requirements; revising the duties of the council;

1747 deleting a provision that prohibits a member of the

1748 council from participating in a discussion or decision

1749 with respect to a research proposal by a firm, entity, or

1750 agency with which the member is associated as a member of

1751 the governing body or as an employee or with which the

1752 member has entered into a contractual arrangement;

905379

Approved For Filing: 4/23/2009 1:56:58 PM

HOUSE AMENDMENT

Bill No. CS/HB 1471

Amendment No.

1753 revising the submission date of an annual report; deleting
1754 an expired provision relating to rulemaking authority of
1755 the department; transferring and renumbering s. 381.91,
1756 F.S., relating to the Jessie Trice Cancer Prevention
1757 Program; transferring, renumbering, and amending s.
1758 381.911, F.S., relating to the Prostate Cancer Awareness
1759 Program; revising the criteria for members of the prostate
1760 cancer advisory committee; repealing s. 381.912, F.S.,
1761 relating to the Cervical Cancer Elimination Task Force;
1762 transferring and renumbering s. 381.92, F.S., relating to
1763 the Florida Cancer Council; transferring and renumbering
1764 s. 381.921, F.S., relating to the mission and duties of
1765 the Florida Cancer Council; amending s. 381.922, F.S.;
1766 conforming cross-references; transferring and renumbering
1767 s. 381.93, F.S., relating to a breast and cervical cancer
1768 early detection program; transferring and renumbering s.
1769 381.931, F.S., relating to an annual report on Medicaid
1770 expenditures; renaming ch. 385, F.S., as the "Healthy and
1771 Fit Florida Act"; amending s. 385.101, F.S.; renaming the
1772 "Chronic Diseases Act" as the "Healthy and Fit Florida
1773 Act"; amending s. 385.102, F.S.; revising legislative
1774 intent; creating s. 385.1021, F.S.; providing definitions;
1775 creating s. 385.1022, F.S.; requiring the Department of
1776 Health to support public health programs to reduce the
1777 incidence of mortality and morbidity from chronic
1778 diseases; creating s. 385.1023, F.S.; requiring the
1779 department to create state-level programs that address the
1780 risk factors of certain chronic diseases; providing

905379

Approved For Filing: 4/23/2009 1:56:58 PM

HOUSE AMENDMENT

Bill No. CS/HB 1471

Amendment No.

1781 required activities of the state-level programs; amending
1782 s. 385.103, F.S.; providing for community-level programs
1783 for the prevention of chronic diseases; revising
1784 definitions; requiring the department to develop and
1785 implement a community-based chronic disease prevention and
1786 health promotion program; providing the purpose of the
1787 program; providing requirements for the program; creating
1788 s. 385.105, F.S.; requiring the department to develop
1789 programs to increase physical fitness, to work with school
1790 districts, to develop partnerships that allow the public
1791 to access recreational facilities and public land areas
1792 suitable for physical activity, to work with the Executive
1793 Office of the Governor and Volunteer Florida, Inc., to
1794 promote school initiatives, and to collaborate with the
1795 Department of Education in recognizing nationally accepted
1796 best practices for improving physical education in
1797 schools; requiring the Department of Health to promote
1798 healthy lifestyles to reduce obesity; requiring the
1799 department to promote optimal nutritional status in all
1800 stages of people's lives, personal responsibility to
1801 prevent chronic disease or slow its progression, and
1802 regular health visits during a person's life span;
1803 authorizing state agencies to conduct employee wellness
1804 programs; requiring the department to serve as a model to
1805 develop and implement employee wellness programs;
1806 requiring the department to assist state agencies to
1807 develop the employee wellness programs; providing equal
1808 access to the programs by agency employees; requiring the

905379

Approved For Filing: 4/23/2009 1:56:58 PM

Amendment No.

1809 department to coordinate efforts with the Department of
1810 Management Services and other state agencies; authorizing
1811 each state agency to establish an employee wellness work
1812 group to design the wellness program; requiring the
1813 department to provide requirements for participation fees,
1814 collaborations with businesses, and procurement of
1815 equipment and incentives; amending s. 385.202, F.S.;
1816 requiring facilities, laboratories, and practitioners to
1817 report information; authorizing the department to adopt
1818 rules regarding reporting requirements for the cancer
1819 registry; providing immunity from liability for facilities
1820 and practitioners reporting certain information; requiring
1821 the department to adopt rules regarding the establishment
1822 and operation of a statewide cancer registry program;
1823 requiring the department or contractual designee operating
1824 the statewide cancer registry program to use or publish
1825 material only for the purpose of public health
1826 surveillance and advancing medical research or medical
1827 education in the interest of reducing morbidity or
1828 mortality; authorizing the department to exchange personal
1829 data with any agency or contractual designee for the
1830 purpose of public health surveillance and medical or
1831 scientific research under certain circumstances;
1832 clarifying that the department may adopt rules regarding
1833 the classifications of facilities related to reports made
1834 to the cancer registry; requiring each facility and
1835 practitioner that reports cancer cases to the department
1836 to make their records available for onsite review;

905379

Approved For Filing: 4/23/2009 1:56:58 PM

HOUSE AMENDMENT

Bill No. CS/HB 1471

Amendment No.

1837 amending s. 385.203, F.S.; increasing the size of the
1838 Diabetes Advisory Council to include one representative of
1839 the Florida Academy of Family Physicians; amending s.
1840 385.206, F.S.; renaming the "hematology-oncology care
1841 center program" as the "Pediatric Hematology-Oncology
1842 Center Program"; revising definitions; authorizing the
1843 department to designate centers and provide funding to
1844 maintain programs for the care of patients with
1845 hematologic and oncologic disorders; clarifying provisions
1846 related to grant-funding agreements and grant
1847 disbursements; revising the department's requirement to
1848 evaluate services rendered by the centers; requiring data
1849 from the centers and other sources relating to pediatric
1850 cancer to be available to the department for program
1851 planning and quality assurance initiatives; amending s.
1852 385.207, F.S.; clarifying provisions that require the
1853 department to collect information regarding the number of
1854 clients served, the outcomes reached, the expense
1855 incurred, and fees collected by providers of epilepsy
1856 services; deleting the provision that requires the
1857 department to limit administrative expenses from the
1858 Epilepsy Services Trust Fund to a certain percentage of
1859 annual receipts; amending s. 385.210, F.S.; revising
1860 legislative findings regarding the economic costs of
1861 treating arthritis and its complications; authorizing the
1862 State Surgeon General to seek any federal waivers that may
1863 be necessary to maximize funds from the Federal Government
1864 to implement the Arthritis Prevention and Education

905379

Approved For Filing: 4/23/2009 1:56:58 PM

Page 67 of 68

HOUSE AMENDMENT

Bill No. CS/HB 1471

Amendment No.

1865 Program; creating s. 385.301, F.S.; authorizing the
1866 department to adopt rules to administer the act; creating
1867 s. 385.401, F.S.; authorizing the department to establish
1868 a direct-support organization; providing definitions;
1869 providing for a board of directors; providing terms;
1870 providing for membership; authorizing the department to
1871 allow the direct-support organization to use the
1872 department's fixed property and facilities within the
1873 state public health system; providing an exception;
1874 requiring that the direct-support organization submit
1875 certain federal forms to the department; requiring that
1876 the direct-support organization provide an annual
1877 financial audit; amending s. 409.904, F.S.; conforming a
1878 cross-reference; creating the Pharmacy and Therapeutic
1879 Advisory Council within the Executive Office of the
1880 Governor; providing duties of the council; providing for
1881 the appointment and qualification of members; providing
1882 for the use of subject-matter experts when necessary;
1883 providing requirements for voting and a quorum; providing
1884 for quarterly meetings of the council; providing for
1885 staffing; providing for reimbursement of per diem and
1886 travel expenses for members of the council; amending s.
1887 499.003, F.S.; excluding from the definition of "wholesale
1888 distribution" certain activities of state agencies;
1889 providing an effective date.

905379

Approved For Filing: 4/23/2009 1:56:58 PM

Page 68 of 68