

By Senator Deutch

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1 A bill to be entitled
2 An act relating to health care; providing legislative
3 findings and intent; amending s. 210.01, F.S.;
4 defining the terms "council," "total collections," and
5 "net collections"; amending s. 210.02, F.S.;
6 increasing the amount of the cigarette tax by the
7 equivalent of \$1 per standard pack; amending s.
8 210.18, F.S.; conforming a cross-reference; amending
9 s. 210.20, F.S.; requiring that the Division of
10 Alcoholic Beverages and Tobacco certify to the Chief
11 Financial Officer monthly the amount of net
12 collections derived from the cigarette tax; requiring
13 that the division credit a specified percent of the
14 total base allocation to certain trust funds, research
15 centers, and medical residency and fellowship
16 programs; providing that certain funds are subject to
17 a funding match and may be used for bonding purposes
18 if certain conditions are met; requiring that any
19 funds that cannot be matched revert to the Biomedical
20 Research Trust Fund; amending s. 210.201, F.S.;
21 requiring that the Board of Directors of the H. Lee
22 Moffitt Cancer Center and Research Institute use funds
23 to secure bonds or financial products for cancer
24 facilities; amending s. 215.5601, F.S.; revising
25 provisions relating to the Lawton Chiles Endowment
26 Fund; providing that moneys derived from the cigarette
27 tax be allocated to the endowment during a specified
28 fiscal year; increasing the number of members of the
29 Lawton Chiles Endowment Fund Advisory Council;

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30 requiring that the council include a representative of
31 a public health organization having a major interest
32 in tobacco control and a consumer who is eligible for
33 Medicaid benefits; amending s. 215.5602, F.S.;
34 revising provisions relating to the James and Esther
35 King Biomedical Research Program's long-term goals to
36 include the expansion of research capacity and
37 infrastructure needed to address tobacco-related
38 illnesses; providing funding for the program's
39 operating costs; extending certain expiration dates;
40 amending s. 318.0302, F.S.; revising provisions
41 relating to the Florida Health Services Corps;
42 requiring that the Department of Health give priority
43 to students who indicate a desire to practice certain
44 medical specialties when selecting students for public
45 health program scholarships; authorizing the
46 department to increase stipends if the funds are
47 sufficient; creating s. 381.04035, F.S.; creating the
48 Graduate Medical Education Workforce Act; providing
49 legislative findings and intent; establishing a
50 program for funding graduate medical education
51 positions within the Department of Health; providing
52 funding for hospitals for costs associated with
53 internship, residency, and fellowship positions;
54 requiring that participating hospitals submit an
55 annual report to the department and the Graduate
56 Medical Education Council; establishing a program for
57 funding graduate medical education programs and
58 academic centers of excellence within the department;

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59 providing funding for hospitals, universities, and
60 other sponsoring entities that apply to participate in
61 the program; requiring participants to submit an
62 annual report; creating the Graduate Medical Education
63 Council; providing for membership and terms; requiring
64 that the Governor make initial appointments by a
65 specified date; requiring that the State Surgeon
66 General designate an administrator to serve as the
67 council's staff director; requiring that the
68 department perform certain oversight functions;
69 providing criteria for the department to consider when
70 evaluating requests for funding; requiring that the
71 department establish reporting requirements; requiring
72 that the funds for the program be used to match funds
73 from a local or state governmental, hospital, or
74 sponsoring entity source; providing for staffing;
75 amending s. 381.4018, F.S.; revising provisions
76 relating to assessing and developing the physician
77 workforce to include the burden of cancer, heart, and
78 lung diseases based on the state's demographics;
79 requiring that the department consider physicians who
80 practice certain medical specialties when developing
81 the state strategic plan; amending s. 381.84, F.S.;
82 revising the components of the Comprehensive Statewide
83 Tobacco Education and Use Prevention Program relating
84 to cessation programs, counseling, and treatment;
85 requiring that a statewide toll-free cessation service
86 include referrals to the Cover Florida Health Care
87 Access Program; amending s. 381.855, F.S.; providing

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88 funding for the Florida Center for Universal Research
89 to Eradicate Disease; revising provisions relating to
90 the center's advisory council; amending s. 381.91,
91 F.S.; revising provisions relating to the Jessie Trice
92 Cancer Prevention Program; repealing ss. 381.92 and
93 381.921, F.S., relating to the Florida Cancer Council;
94 amending s. 381.922, F.S.; revising the purpose of the
95 William G. "Bill" Bankhead, Jr., and David Coley
96 Cancer Research Program to expand cancer research and
97 treatment; requiring that a specified percentage of
98 the program's annual allocation apply toward
99 recruiting cancer researchers and institutions;
100 providing goals for advancing cures for cancer;
101 extending certain expiration dates; amending s.
102 381.93, F.S.; revising provisions relating to the Mary
103 Brogan Breast and Cervical Cancer Early Detection
104 Program; providing that funds derived from the
105 cigarette tax be used by the program; expanding
106 enrollment in the program; amending s. 395.6061, F.S.;
107 revising provisions relating to the rural hospital
108 capital improvement grant program; authorizing rural
109 hospitals to apply for funds derived from the
110 cigarette tax; amending s. 408.9091, F.S.; revising
111 provisions relating to the Cover Florida Health Care
112 Access Program to conform to changes made by the act;
113 providing that certain individuals who are
114 participating in a smoking cessation program are
115 eligible for a temporary premium subsidy; creating s.
116 1009.675, F.S.; establishing the Nursing Education

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117 Enhancement Program to provide supplemental funding
118 for public nursing education; providing for funding
119 and the distribution of such funding; requiring that
120 the Chancellor of the State University System and the
121 Chancellor of the Community College System submit a
122 report to the Governor and the Legislature by a
123 specified date; authorizing the State University
124 System and the State College System to adopt rules;
125 amending s. 1009.68, F.S.; revising provisions
126 relating to the Florida Minority Medical Education
127 Program; requiring that the program provide
128 scholarships to enable minority students to pursue a
129 medical education at Florida Atlantic University, the
130 University of Central Florida, or Florida
131 International University; providing for the
132 distribution of the scholarships; creating s. 1013.83,
133 F.S.; establishing the Florida Medical School
134 Facilities Program; requiring that the Board of
135 Governors administer the program; requiring that the
136 funds for the program be used to construct and equip
137 state medical schools and other related facilities in
138 the state; requiring that the Board of Governors
139 solicit competitive proposals for the use of such
140 funds; providing that preference be given to proposals
141 demonstrating the greatest need in fulfilling the
142 institution's core medical education mission and
143 proposals representing collaborative or shared-use
144 facilities; providing that the program be funded with
145 proceeds derived from s. 210.20, F.S.; providing for

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146 expiration of the program; authorizing the Board of
147 Governors to adopt rules; providing that the
148 additional tax on cigarettes applies to existing
149 inventory on the effective date of the act; requiring
150 that each manufacturer, distributor, wholesaler, and
151 vendor take an inventory of the cigarettes in its
152 possession on the effective date of this act;
153 requiring that the amount of such inventory be
154 certified to the Division of Alcoholic Beverages and
155 Tobacco of the Department of Business and Professional
156 Regulation by a specified date; providing for
157 penalties and interest for delinquent payments;
158 requiring that the proceeds from the additional tax be
159 deposited into the Cigarette Tax Collection Trust Fund
160 and distributed as required in s. 210.20, F.S.;

161 requiring that the Department of Health submit a
162 report to the Governor and the Legislature by a
163 specified date which contains an estimate of the
164 financial impact of tobacco use and related illnesses
165 on the economy and taxpayers; providing an effective
166 date.

167
168 Be It Enacted by the Legislature of the State of Florida:

169
170 Section 1. (1) The Legislature finds that tobacco
171 consumption, which is the cause of nearly one-third of all
172 cancer deaths, contributes substantially to the state having the
173 second-highest relative cancer burden in the nation. The
174 Legislature further finds that tobacco consumption dramatically

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175 affects the state's Medicaid budget and creates a substantial
176 deficit between the amount consumers pay in related excise taxes
177 or privilege fees and the actual health care costs incurred by
178 the state. Therefore, the Legislature intends to increase the
179 amount of the tax on cigarettes, which must be at least
180 commensurate with the projected governmental costs associated
181 with the consumption of cigarettes. The Legislature also intends
182 to apply the revenue derived from the tax to health care,
183 specifically to:

184 (a) Measures for which there is a connection between
185 cigarette consumption and the revenue generated from such
186 consumption; and

187 (b) Measures aimed at making Florida the nation's leader in
188 cancer and biomedical research.

189 (2) The Legislature finds that the state's medical service
190 delivery infrastructure is falling woefully behind the capacity
191 needed to address the inordinately high burden related to cancer
192 and other diseases. In order to significantly improve the
193 state's ability to serve the health care needs of its citizens,
194 the Legislature intends to dramatically enhance the state's core
195 medical capacity, especially in rural and underserved areas,
196 which ranges from nurses to medical practitioners in family
197 practice and to key medical primary specialties such as
198 oncology.

199 (3) The Legislature finds that it is in the public interest
200 to stimulate the state's economic activity in the fields of
201 health care, biomedical research, and education by providing
202 financial support to increase the amount and prominence of such
203 programs and by providing financial inducements for medical,

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204 biomedical, and other healthcare-related businesses and research
205 and educational facilities to expand in Florida. The Legislature
206 further finds that the state's previous investment in the
207 expansion of biomedical research has already yielded substantial
208 positive results for the state's economy and public welfare, and
209 that it is crucial to build upon such success through immediate
210 and strategic investment in capital projects and infrastructure
211 necessary to support growth in the biomedical industry. The
212 Legislature also finds that it is of critical importance to
213 develop funding sources for such health care programs and
214 infrastructure without burdening the general public with
215 additional, unnecessary health care costs, and that such funding
216 sources, to the extent possible, must be balanced against the
217 demands placed upon the state's overall cost of health care
218 services, including, without limitation, the state's budget for
219 Medicaid and other indigent health care services.

220 Section 2. Section 210.01, Florida Statutes, is amended to
221 read:

222 210.01 Definitions.—When used in this part, the term ~~the~~
223 ~~following words shall have the meaning herein indicated:~~

224 (1) "Cigarette" means any roll for smoking, except one of
225 which the tobacco is fully naturally fermented, without regard
226 to the kind of tobacco or other substances used in the inner
227 roll or the nature or composition of the material in which the
228 roll is wrapped, which is made wholly or in part of tobacco
229 irrespective of size or shape and whether such tobacco is
230 flavored, adulterated, or mixed with any other ingredient.

231 (2) "Persons" means any individual, copartnership, society,
232 club, association, corporation, joint stock company, and any

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233 combination of individuals and also an executor, administrator,
234 receiver, trustee, or other fiduciary.

235 (3) "Sale" means any transfer, exchange, or barter in any
236 manner, or by any means whatever.

237 (4) "Retail sale" or "sale at retail" means a sale to a
238 consumer or to any person for any purpose other than resale.

239 ~~(5) "Dealer" means any wholesale dealer as hereinafter~~
240 ~~defined.~~

241 (5) ~~(6)~~ "Wholesale dealer" or "dealer" means any person
242 located inside or outside this state who sells cigarettes to
243 retail dealers or other persons for purposes of resale only.
244 Such term does ~~shall~~ not include any cigarette manufacturer,
245 export warehouse proprietor, or importer with a valid permit
246 under 26 U.S.C. s. 5712 if such person sells or distributes
247 cigarettes in this state only to dealers who are agents and who
248 hold valid and current permits under s. 210.15 or to any
249 cigarette manufacturer, export warehouse proprietor, or importer
250 who holds a valid and current permit under 26 U.S.C. s. 5712.

251 (6) ~~(7)~~ "Retail dealer" means any person located inside or
252 outside this state other than a wholesale dealer engaged in the
253 business of selling cigarettes, including persons issued a
254 permit pursuant to s. 569.003.

255 (7) ~~(8)~~ "Package" means the individual package, box, or
256 other container in or from which retail sales of cigarettes are
257 normally made or intended to be made.

258 (8) ~~(9)~~ "Agent" means any person authorized by the Division
259 of Alcoholic Beverages and Tobacco to purchase and affix
260 adhesive or meter stamps under this part.

261 (9) ~~(10)~~ "Division" means the Division of Alcoholic

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262 Beverages and Tobacco of the Department of Business and
263 Professional Regulation.

264 (10) "Council" means the Biomedical Research Advisory
265 Council within the Department of Health established in s.
266 215.5602.

267 (11) "Use" means the consuming, giving away, or disposing,
268 in any manner, of cigarettes.

269 (12) "First sale" means the first use or consumption of
270 cigarettes within this state.

271 (13) "Operating ad valorem millage" means all millages
272 other than those fixed for debt service.

273 (14) "Total collections" means the total amount derived
274 from the cigarette tax during a specified period.

275 (15) "Net collections" means 99.5 percent of total
276 collections less the service charge prescribed in s. 215.20.

277 (16)~~(14)~~ "Distributing agent" means every person, firm, or
278 corporation in this state who acts as an agent for any person,
279 firm, or corporation outside or inside the state by receiving
280 cigarettes in interstate or intrastate commerce and storing such
281 cigarettes subject to distribution or delivery upon order from
282 said principal to wholesale dealers and other distributing
283 agents inside or outside this state.

284 (17)~~(15)~~ "Place of business" means any place where
285 cigarettes are sold or where cigarettes are stored or kept for
286 the purpose of sale or consumption; or, if cigarettes are sold
287 from a vending machine, the place in which the vending machine
288 is located.

289 (18)~~(16)~~ "Manufacturer's representative" means a person who
290 represents a manufacturer of cigarettes but who has no place of

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291 business in this state where cigarettes are stored. A
292 manufacturer's representative shall ~~is required to~~ obtain any
293 cigarettes required by her or him through a wholesale dealer in
294 this state and ~~to~~ make such reports as may be required by the
295 Division of Alcoholic Beverages and Tobacco of the Department of
296 Business and Professional Regulation.

297 (19) ~~(17)~~ "Exporter" means a person who transports tax-
298 exempt cigarettes into this state under bond for delivery beyond
299 the borders of this state. Each permit entitles ~~shall entitle~~
300 the permittee to store such cigarettes under bond at one
301 location in this state pending shipment beyond the borders of
302 this state.

303 (20) ~~(18)~~ "Unstamped package" or "unstamped cigarettes"
304 means a package on which the tax required by this part has not
305 been paid, regardless of whether or not such package is stamped
306 or marked with the indicia of any other taxing authority, or a
307 package on which there has been affixed a counterfeit or
308 fraudulent indicium or stamp.

309 (21) ~~(19)~~ "Stamp" or "stamps" means the indicia required to
310 be placed on cigarette packages which ~~that~~ evidence payment of
311 the tax on cigarettes under s. 210.02.

312 (22) ~~(20)~~ "Importer" means any person with a valid permit
313 under 26 U.S.C. s. 5712 who imports into the United States,
314 directly or indirectly, a finished cigarette for sale or
315 distribution.

316 (23) ~~(21)~~ "Manufacturer" means any domestic person or entity
317 with a valid permit under 26 U.S.C. s. 5712 that manufactures,
318 fabricates, assembles, processes, or labels a finished
319 cigarette.

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320 ~~(24)-(22)~~ "Counterfeit cigarettes" means cigarettes that
321 have false manufacturing labels, tobacco product packs with
322 counterfeit tax stamps, or any combination thereof.

323 Section 3. Section 210.02, Florida Statutes, is amended to
324 read:

325 210.02 Cigarette tax imposed; collection.—

326 (1) An excise or privilege tax, in addition to all other
327 taxes of every kind imposed by law, is imposed upon the sale,
328 receipt, purchase, possession, consumption, handling,
329 distribution, and use of cigarettes in this state, in the
330 following amounts, except as ~~hereinafter~~ otherwise provided, for
331 cigarettes of standard dimensions:

332 (a) Upon all cigarettes weighing not more than 3 pounds per
333 thousand, 66.95 ~~16.95~~ mills on each cigarette.

334 (b) Upon all cigarettes weighing more than 3 pounds per
335 thousand and not more than 6 inches long, 133.9 ~~33.9~~ mills on
336 each cigarette.

337 (c) Upon all cigarettes weighing more than 3 pounds per
338 thousand and more than 6 inches long, 267.8 ~~67.8~~ mills on each
339 cigarette.

340 (2) The description of cigarettes contained in paragraphs
341 (1) (a), (b), and (c) ~~of subsection (1)~~ are ~~hereby~~ declared to be
342 standard as to dimensions for taxing purposes as provided in
343 this section, ~~law~~ and if ~~should~~ any cigarette is ~~be~~ received,
344 purchased, possessed, sold, offered for sale, given away, or
345 used of a size other than of standard dimensions, the same shall
346 be taxed at the rate of 5.69 ~~1.41~~ cents on each such cigarette.

347 (3) When cigarettes as described in paragraph (1) (a) are
348 packed in varying quantities of 20 cigarettes or fewer ~~less~~,

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349 except manufacturer's free samples authorized under s.
350 210.04(9), the following rate shall govern:

351 (a) Packages containing 10 cigarettes or fewer ~~less~~ require
352 a 66.9-cent ~~16.95-cent~~ tax.

353 (b) Packages containing more than 10 but not more than 20
354 cigarettes require a 133.9-cent ~~33.9-cent~~ tax.

355 (4) When cigarettes as described in paragraph (1)(b) are
356 packed in varying quantities of 20 cigarettes or fewer ~~less~~,
357 except manufacturer's free samples authorized under s.
358 210.04(9), the following rates shall govern:

359 (a) Packages containing 10 cigarettes or fewer ~~less~~ require
360 a 133.9-cent ~~33.9-cent~~ tax.

361 (b) Packages containing more than 10 but not more than 20
362 cigarettes require a 267.8-cent ~~67.8-cent~~ tax.

363 (5) When cigarettes as described in paragraph (1)(c) are
364 packed in varying quantities of 20 cigarettes or fewer ~~less~~,
365 except manufacturer's free samples authorized under s.
366 210.04(9), the following rates shall govern:

367 (a) Packages containing 10 cigarettes or fewer ~~less~~ require
368 a 267.8-cent ~~67.8-cent~~ tax.

369 (b) Packages containing more than 10 but not more than 20
370 cigarettes require a 535.6-cent ~~135.6-cent~~ tax.

371 (6) This tax shall be paid by the dealer to the division
372 for deposit and distribution as hereinafter provided upon the
373 first sale or transaction within the state, whether or not such
374 sale or transfer is ~~be~~ to the ultimate purchaser or consumer.
375 The seller or dealer shall collect the tax from the purchaser or
376 consumer, and the purchaser or consumer shall pay the tax to the
377 seller. The seller or dealer is ~~shall be~~ responsible for the

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378 collection of the tax and the payment of the same to the
379 division. All taxes are due not later than the 10th day of the
380 month following the calendar month in which they were incurred,
381 and thereafter must ~~shall~~ bear interest at the rate of 1 percent
382 per month. If the amount of tax due for a given period is
383 assessed without allocating it to any particular month, the
384 interest begins ~~shall begin~~ with the date of the assessment.
385 Whenever cigarettes are shipped from outside the state to anyone
386 other than a distributing agent or wholesale dealer, the person
387 receiving the cigarettes is ~~shall be~~ responsible for the tax on
388 said cigarettes and the payment of same to the division.

389 (7) It is the legislative intent that the tax on cigarettes
390 ~~shall~~ be uniform throughout the state.

391 Section 4. Subsection (10) of section 210.18, Florida
392 Statutes, is amended to read:

393 210.18 Penalties for tax evasion; reports by sheriffs.—

394 (10) It is unlawful to sell or possess with the intent to
395 sell counterfeit cigarettes, as defined in s. 210.01(24) ~~s.~~
396 ~~210.01(22)~~.

397 (a) A person who does not hold a permit or holds a retail
398 permit under the provisions of this chapter and who violates
399 this subsection commits a felony of the third degree, punishable
400 as provided in s. 775.082, s. 775.083, or s. 775.084, and is
401 subject to the imposition of fines and additional penalties as
402 follows:

403 1. If the quantity of counterfeit cigarettes sold or
404 possessed with the intent to sell is less than two cartons or
405 the equivalent, the fine for a first violation shall not exceed
406 \$1,000 or five times the retail value of the counterfeit

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407 cigarettes, whichever is greater. A subsequent violation may
408 result in the imposition of a fine not to exceed \$5,000 or five
409 times the retail value of the counterfeit cigarettes, whichever
410 is greater, and shall result in revocation of the retail permit
411 by the division.

412 2. If the quantity of counterfeit cigarettes sold or
413 possessed with the intent to sell is two cartons or more or the
414 equivalent, the fine for a first violation shall not exceed
415 \$2,000 or five times the retail value of the counterfeit
416 cigarettes, whichever is greater. A subsequent violation may
417 result in the imposition of a fine not to exceed \$50,000 or five
418 times the retail value of the counterfeit cigarettes, whichever
419 is greater, and shall result in revocation of the retail permit
420 by the division.

421 (b) A person who holds a permit, other than a retail
422 permit, under the provisions of this chapter and who violates
423 this subsection commits a felony of the third degree, punishable
424 as provided in s. 775.082, s. 775.083, or s. 775.084, and is
425 subject to the imposition of fines and additional penalties as
426 follows:

427 1. If the quantity of counterfeit cigarettes sold or
428 possessed with the intent to sell is less than 10 cartons or the
429 equivalent, the fine for a first violation shall not exceed
430 \$1,000 or five times the retail value of the counterfeit
431 cigarettes, whichever is greater. A subsequent violation may
432 result in the imposition of a fine not to exceed \$5,000 or five
433 times the retail value of the counterfeit cigarettes, whichever
434 is greater, and shall result in revocation of the permit by the
435 division.

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436 2. If the quantity of counterfeit cigarettes sold or
437 possessed with the intent to sell is 10 cartons or more or the
438 equivalent, the fine for a first violation shall not exceed
439 \$2,000 or five times the retail value of the counterfeit
440 cigarettes, whichever is greater. A subsequent violation may
441 result in the imposition of a fine not to exceed \$50,000 or five
442 times the retail value of the counterfeit cigarettes, whichever
443 is greater, and shall result in revocation of the permit by the
444 division.

445
446 For purposes of this subsection, any counterfeit cigarettes
447 seized by the division shall be destroyed.

448 Section 5. Subsection (2) of section 210.20, Florida
449 Statutes, is amended to read:

450 210.20 Employees and assistants; distribution of funds.—

451 (2) (a) As collections are received by the division from the
452 tax on cigarettes ~~such cigarette taxes~~, it shall pay the same
453 into a trust fund in the State Treasury designated "Cigarette
454 Tax Collection Trust Fund." ~~which shall be paid and distributed~~
455 ~~as follows:~~

456 (b) (a) The division shall from month to month certify to
457 the Chief Financial Officer the amount of net collections
458 derived from the cigarette tax imposed by s. 210.02, ~~less the~~
459 ~~service charges provided for in s. 215.20 and less 0.9 percent~~
460 ~~of the amount derived from the cigarette tax imposed by s.~~
461 ~~210.02, which shall be deposited into the Alcoholic Beverage and~~
462 ~~Tobacco Trust Fund,~~ specifying the amounts to be transferred
463 from the Cigarette Tax Collection Trust Fund and credited on the
464 following bases:

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465 1. The sum of 1.1322 ~~basis of 2.9~~ percent of the total base
466 allocation ~~net collections~~ to the Revenue Sharing Trust Fund for
467 Counties for distribution pursuant to the Florida Revenue
468 Sharing Act.

469 2. The sum of 11.3337 ~~and 29.3~~ percent of the total base
470 allocation to the Public Medical Assistance Trust Fund ~~net~~
471 ~~collections~~ for the funding of indigent health care pursuant to
472 s. 409.918 to the Public Medical Assistance Trust Fund.

473 3. The sum of 5.0597 percent of the total base allocation
474 to the H. Lee Moffitt Cancer Center and Research Institute,
475 established in s. 1004.43, which shall be paid monthly to the
476 center's board of directors by warrant drawn by the Chief
477 Financial Officer upon the State Treasury. The revenues derived
478 from this allocation are separate and distinct from any funds
479 allocated to the H. Lee Moffitt Cancer Center through the James
480 and Esther King Biomedical Research Program or the William G.
481 "Bill" Bankhead, Jr., and David Coley Cancer Research Program.
482 Funds derived pursuant to this subparagraph shall be used for
483 the purpose of constructing, furnishing, and equipping cancer
484 research, treatment, and related facilities. The appropriation
485 of funds may not be less than the amount that would have been
486 paid to the H. Lee Moffitt and Cancer Research Institute for the
487 2007-2008 fiscal year if this subparagraph had been in effect.

488 4. The sum of 1.5179 percent of the total base allocation
489 to the Shands at the University of Florida Cancer Hospital. The
490 revenues derived from this allocation are separate and distinct
491 from any funds allocated to the Shands at the University of
492 Florida Cancer Hospital through the James and Esther King
493 Biomedical Research Program or the William G. "Bill" Bankhead-

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494 Coley Cancer Research Program. Funds derived pursuant to this
495 subparagraph shall be used for the purposes of constructing,
496 furnishing, and equipping cancer research, treatment, and
497 related facilities, and may include the recruitment and
498 retention of faculty or other personnel related to such research
499 programs.

500 5. The sum of 1.5179 percent of the total base allocation
501 to the Sylvester Comprehensive Cancer Center at the University
502 of Miami Miller School of Medicine. The revenues derived from
503 this allocation are separate and distinct from any funds
504 allocated to the Sylvester Comprehensive Cancer Center at the
505 University of Miami Miller School of Medicine through the James
506 and Esther King Biomedical Research Program or the William G.
507 "Bill" Bankhead-Coley Cancer Research Program. Funds derived
508 pursuant to this subparagraph shall be used for the purposes of
509 constructing, furnishing, and equipping cancer research,
510 treatment, and related facilities, and may include the
511 recruitment and retention of faculty or other personnel related
512 to research programs.

513 6. The sum of 0.506 percent of the total base allocation to
514 the M.D. Anderson Cancer Center in Orlando. The revenues derived
515 from this allocation are separate and distinct from any funds
516 allocated to the M.D. Anderson Cancer Center in Orlando through
517 the James and Esther King Biomedical Research Program or the
518 William G. "Bill" Bankhead-Coley Cancer Research Program. Funds
519 derived pursuant to this subparagraph shall be used for the
520 purposes of constructing, furnishing, and equipping research,
521 treatment, and related facilities, and may include the
522 recruitment and retention of faculty or other personnel related

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523 to research programs. Funds derived from this subparagraph shall
524 only be expended within the state. When awarding the funds
525 pursuant to this subparagraph, preference shall be given to
526 proposals for specific projects that demonstrate a collaboration
527 between institutions.

528 7. The sum of 0.506 percent of the total base allocation to
529 the Mayo Clinic, Jacksonville. The revenues derived from this
530 allocation are separate and distinct from any funds allocated to
531 the Mayo Clinic, Jacksonville through the James and Esther King
532 Biomedical Research Program or the William G. "Bill" Bankhead-
533 Coley Cancer Research Program. Funds derived pursuant this
534 subparagraph shall be used for the purposes of constructing,
535 furnishing, and equipping research, treatment, and related
536 facilities, and may include the recruitment and retention of
537 faculty or other personnel related to research programs. Funds
538 derived from this subparagraph shall only be expended within the
539 state.

540 8. The sum of 15.1791 percent of the total base allocation
541 to the Medical Care Trust Fund for the funding of the Medically
542 Needy Program established in 42 U.S.C. ss. 1396(a) and (d) and
543 s. 409.904(2).

544 9. The sum of 15.1791 percent of the total base allocation
545 to the Medical Care Trust Fund for the funding of the MEDS-AD
546 Waiver Program.

547 10. The sum of 5.0597 percent of the total base allocation
548 to the Public Medical Assistance Trust Fund to contribute to the
549 state share of funding for the low-income pool.

550 11. The sum of 6.0716 percent of the total base allocation
551 to the Biomedical Research Trust Fund for distribution by the

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552 Biomedical Research Advisory Council to the grantees of the
553 James and Esther King Biomedical Research Program and the
554 William G. "Bill" Bankhead, Jr., and David Coley Cancer Research
555 Program. The programs shall equally divide the allocation,
556 subject to the methods provided in ss. 215.5602 and 381.922,
557 respectively.

558 12. The sum of 1.0119 percent of the total base allocation
559 to the Division of Children's Medical Services Prevention and
560 Intervention within the Department of Health established in s.
561 20.43(3)(h). The funds that are generated pursuant to this
562 section in excess of the division's appropriation for the 2008-
563 2009 fiscal year shall be used for any approved Children's
564 Medical Services hematology center or oncology center.

565 13. The sum of 3.0358 percent of the total base allocation
566 to the Lawton Chiles Endowment Trust Fund.

567 14. The sum of 0.1012 percent of the total base allocation
568 to the Florida Health Services Corps established in s. 381.302.

569 15. The sum of 3.0358 percent of the total base allocation
570 to fund the direct costs associated with medical internship,
571 residency, and fellowship positions, pursuant to s. 381.04035,
572 the Graduate Medical Education Physician Workforce Act.

573 16. The sum of 0.2024 percent of the total base allocation
574 to fund the purposes provided in s. 381.91, the Jesse Trice
575 Cancer Prevention Program.

576 17. The sum of 0.2024 percent of the total base allocation
577 to fund the purposes provided in s. 381.93, the Mary Brogan
578 Breast and Cervical Cancer Early Detection and Treatment
579 Program.

580 18. The sum of 0.3036 percent of the total base allocation

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581 for the enhancement of rural hospital facilities pursuant to s.
582 395.6061.

583 19. The sum of 0.6072 percent of the total base allocation
584 to fund temporary Cover Florida Health Care Plan premium
585 subsidies for individuals who are eligible for the plan and who
586 are referred by the statewide comprehensive tobacco use
587 prevention and education program pursuant to s. 408.9091.

588 20. The sum of 0.2024 percent of the total base allocation
589 to fund the enhancement of pharmacotherapeutic tools for use by
590 enrollees in the state smoking cessation program in s. 381.84.
591 The funds may not be used to supplant funds appropriated for
592 this purpose as of January 1, 2009.

593 21. The sum of 1.2649 percent of the total base allocation
594 to fund the Nursing Education Enhancement Program, established
595 in s. 1009.675, which shall be equally divided between the State
596 University System and the State College System.

597 22. The sum of 0.2024 percent of the total base allocation
598 to fund the Minority Medical Education Program as provided in s.
599 1009.68.

600 23. The sum of 3.0358 percent of the total base allocation
601 to fund the Florida Medical Education Program, as prescribed in
602 s. 1013.83.

603 24. The sum of 0.253 percent of the total base allocation
604 to the Diabetes Research Institute for the purposes of
605 conducting research.

606 25. The sum of 0.1518 percent of the total base allocation
607 to the Miami Project to Cure Paralysis for the purposes of
608 conducting research.

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610 The funds designated in subparagraphs (b)4.-7. are subject to a
611 funding match of 50 percent of the funds designated in each
612 subparagraph. Such funds may also be used for bonding purposes
613 only if the named institution can demonstrate that the match
614 requirement can be met for the length of the term during which
615 the earmarked proceeds would be used to service the debt on the
616 bonds. Any funds designated pursuant to this paragraph which
617 cannot be matched by the named institutions in any given fiscal
618 year shall revert to the Biomedical Research Trust Fund to be
619 used for the purposes provided in subparagraph (b)11.

620 (c) Before transferring and crediting moneys from the
621 Cigarette Tax Collection Trust Fund pursuant to paragraph (b),
622 the division shall first deposit monthly into the Alcoholic
623 Beverage and Tobacco Trust Fund an amount equal to the sum of
624 0.5 percent of total collections and the service charge on total
625 collections provided for in s. 215.20.

626 ~~(b)1. Beginning January 1, 1999, and continuing for 10~~
627 ~~years thereafter, the division shall from month to month certify~~
628 ~~to the Chief Financial Officer the amount derived from the~~
629 ~~cigarette tax imposed by s. 210.02, less the service charges~~
630 ~~provided for in s. 215.20 and less 0.9 percent of the amount~~
631 ~~derived from the cigarette tax imposed by s. 210.02, which shall~~
632 ~~be deposited into the Alcoholic Beverage and Tobacco Trust Fund,~~
633 ~~specifying an amount equal to 2.59 percent of the net~~
634 ~~collections, and that amount shall be paid to the Board of~~
635 ~~Directors of the H. Lee Moffitt Cancer Center and Research~~
636 ~~Institute, established under s. 1004.43, by warrant drawn by the~~
637 ~~Chief Financial Officer upon the State Treasury. These funds are~~
638 ~~hereby appropriated monthly out of the Cigarette Tax Collection~~

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639 ~~Trust Fund, to be used for the purpose of constructing,~~
640 ~~furnishing, and equipping a cancer research facility at the~~
641 ~~University of South Florida adjacent to the H. Lee Moffitt~~
642 ~~Cancer Center and Research Institute. In fiscal years 1999-2000~~
643 ~~and thereafter with the exception of fiscal year 2008-2009, the~~
644 ~~appropriation to the H. Lee Moffitt Cancer Center and Research~~
645 ~~Institute authorized by this subparagraph shall not be less than~~
646 ~~the amount that would have been paid to the H. Lee Moffitt~~
647 ~~Cancer Center and Research Institute for fiscal year 1998-1999~~
648 ~~had payments been made for the entire fiscal year rather than~~
649 ~~for a 6-month period thereof.~~

650 ~~2. Beginning July 1, 2002, and continuing through June 30,~~
651 ~~2004, the division shall, in addition to the distribution~~
652 ~~authorized in subparagraph 1., from month to month certify to~~
653 ~~the Chief Financial Officer the amount derived from the~~
654 ~~cigarette tax imposed by s. 210.02, less the service charges~~
655 ~~provided for in s. 215.20 and less 0.9 percent of the amount~~
656 ~~derived from the cigarette tax imposed by s. 210.02, which shall~~
657 ~~be deposited into the Alcoholic Beverage and Tobacco Trust Fund,~~
658 ~~specifying an amount equal to 0.2632 percent of the net~~
659 ~~collections, and that amount shall be paid to the Board of~~
660 ~~Directors of the H. Lee Moffitt Cancer Center and Research~~
661 ~~Institute, established under s. 1004.43, by warrant drawn by the~~
662 ~~Chief Financial Officer. Beginning July 1, 2004, and continuing~~
663 ~~through June 30, 2016, the division shall, in addition to the~~
664 ~~distribution authorized in subparagraph 1., from month to month~~
665 ~~certify to the Chief Financial Officer the amount derived from~~
666 ~~the cigarette tax imposed by s. 210.02, less the service charges~~
667 ~~provided for in s. 215.20 and less 0.9 percent of the amount~~

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668 ~~derived from the cigarette tax imposed by s. 210.02, which shall~~
669 ~~be deposited into the Alcoholic Beverage and Tobacco Trust Fund,~~
670 ~~specifying an amount equal to 1.47 percent of the net~~
671 ~~collections, and that amount shall be paid to the Board of~~
672 ~~Directors of the H. Lee Moffitt Cancer Center and Research~~
673 ~~Institute, established under s. 1004.43, by warrant drawn by the~~
674 ~~Chief Financial Officer. These funds are appropriated monthly~~
675 ~~out of the Cigarette Tax Collection Trust Fund, to be used for~~
676 ~~the purpose of constructing, furnishing, and equipping a cancer~~
677 ~~research facility at the University of South Florida adjacent to~~
678 ~~the H. Lee Moffitt Cancer Center and Research Institute. In~~
679 ~~fiscal years 2004-2005 and thereafter, the appropriation to the~~
680 ~~H. Lee Moffitt Cancer Center and Research Institute authorized~~
681 ~~by this subparagraph shall not be less than the amount that~~
682 ~~would have been paid to the H. Lee Moffitt Cancer Center and~~
683 ~~Research Institute in fiscal year 2001-2002, had this~~
684 ~~subparagraph been in effect.~~

685 Section 6. Section 210.201, Florida Statutes, is amended to
686 read:

687 210.201 Cancer facilities ~~research facility at the~~
688 ~~University of South Florida; establishment; funding. The Board~~
689 ~~of Directors of the H. Lee Moffitt Cancer Center and Research~~
690 ~~Institute shall construct, furnish, and equip, and shall~~
691 ~~covenant to complete, the cancer research facility at the~~
692 ~~University of South Florida adjacent to the H. Lee Moffitt~~
693 ~~Cancer Center and Research Institute. Moneys transferred to the~~
694 ~~Board of Directors of the H. Lee Moffitt Cancer Center and~~
695 ~~Research Institute pursuant to s. 210.20 shall be used to secure~~
696 ~~financing to pay or secure bonds or financial products issued or~~

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697 incurred in connection with the costs related to constructing,
698 furnishing, and equipping ~~the~~ cancer research, treatment, and
699 related facilities ~~facility~~. Such financing may include the
700 issuance of tax-exempt bonds or other forms of indebtedness by a
701 local authority, municipality, or county pursuant to parts II
702 and III of chapter 159. Such bonds shall not constitute state
703 bonds for purposes of s. 11, Art. VII of the State Constitution,
704 but shall constitute bonds of a "local agency," as defined in s.
705 159.27(4). The cigarette tax dollars pledged to the facilities
706 ~~this facility~~ pursuant to s. 210.20 may be replaced annually by
707 the Legislature from tobacco litigation settlement proceeds.

708 Section 7. Paragraph (d) of subsection (1), paragraphs (b),
709 (c), and (d) of subsection (3), and paragraph (a) of subsection
710 (6) of section 215.5601, Florida Statutes, are amended to read:

711 215.5601 Lawton Chiles Endowment Fund.—

712 (1) LEGISLATIVE INTENT.—It is the intent of the Legislature
713 to:

714 (d) Provide funds to help support public-health and
715 biomedical research for the prevention, diagnosis, treatment,
716 and cure of diseases related to tobacco use by creating an
717 annual and perpetual source of funding for biomedical research
718 in the state in order to expand the foundation of biomedical
719 knowledge relating to the prevention, diagnosis, treatment, and
720 cure of diseases related to tobacco use, including cancer,
721 cardiovascular disease, stroke, and pulmonary disease; improve
722 the quality of the state's academic health centers by bringing
723 the advances of biomedical research into the training of
724 physicians and other health care providers; and increase the
725 state's per capita funding for biomedical research by

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726 undertaking new initiatives in biomedical research which will
727 attract additional researchers and funding from sources other
728 than outside the state while ~~also~~ stimulating economic activity
729 in the state in areas related to biomedical research, such as
730 the research and production of pharmaceuticals, biotechnology,
731 and medical devices.

732 (3) LAWTON CHILES ENDOWMENT FUND; CREATION; PRINCIPAL.—

733 (b) The endowment shall receive moneys from the sale of the
734 state's right, title, and interest in and to the tobacco
735 settlement agreement as defined in s. 215.56005, including the
736 right to receive payments under such agreement, and from
737 accounts transferred from the Department of Financial Services
738 Tobacco Settlement Clearing Trust Fund established under s.
739 17.41. Amounts to be transferred from the Department of
740 Financial Services Tobacco Settlement Clearing Trust Fund to the
741 endowment shall be in the following amounts for the following
742 fiscal years:

- 743 1. For fiscal year 1999-2000, \$1.1 billion;
- 744 2. For fiscal year 2000-2001, \$200 million;
- 745 3. For fiscal year 2001-2002, \$200 million; and
- 746 4. For fiscal year 2002-2003, \$200 million. ~~;~~ and

747 (c) For fiscal year 2009-2010, and each fiscal year
748 thereafter, moneys designated pursuant to s. 210.20 shall be
749 allocated to the endowment ~~Amounts to be transferred under~~
750 ~~subparagraphs (b)2., 3., and 4. may be reduced by an amount~~
751 ~~equal to the lesser of \$200 million or the amount the endowment~~
752 ~~receives in that fiscal year from the sale of the state's right,~~
753 ~~title, and interest in and to the tobacco settlement agreement.~~

754 (d) One hundred and fifty million dollars ~~For fiscal year~~

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755 ~~2001-2002, \$150 million~~ of the existing principal in the
756 endowment shall be reserved and accounted for within the
757 endowment, the income from which shall be used solely for the
758 funding for biomedical research activities as provided in s.
759 215.5602. The income from the remaining principal shall be used
760 solely as the source of funding for health and human services
761 programs for children and elders as provided in subsection (5).
762 The separate account for biomedical research shall be dissolved
763 and the entire principal in the endowment shall be used
764 exclusively for health and human services programs when cures
765 have been found for tobacco-related cancer, heart, and lung
766 disease.

767 (6) ADVISORY COUNCIL.—The Lawton Chiles Endowment Fund
768 Advisory Council is established for the purpose of reviewing the
769 funding priorities of the state agencies, evaluating their
770 requests against the mission and goals of the agencies and
771 legislative intent for the use of endowment funds, and allowing
772 for public input and advocacy.

773 (a) The advisory council shall consist of 17 ~~15~~ members,
774 including:

775 1. The director of the United Way of Florida, Inc., or his
776 or her designee;

777 2. The director of the Foster Parents Association, or his
778 or her designee;

779 3. The chair of the Department of Elderly Affairs Advisory
780 Council, or his or her designee;

781 4. The president of the Florida Association of Area
782 Agencies on Aging, or his or her designee;

783 5. The State Long-Term Care Ombudsman, or his or her

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784 designee;

785 6. The state director of the Florida AARP, or his or her
786 designee;

787 7. The director of the Florida Pediatric Society, or his or
788 her designee;

789 8. A representative of the Guardian Ad Litem Program,
790 appointed by the Governor;

791 9. A representative of a child welfare lead agency for
792 community-based care, appointed by the Governor;

793 10. A representative of an elder care lead agency for
794 community-based care, appointed by the Governor;

795 11. A representative of a statewide child advocacy
796 organization, appointed by the Governor;

797 12. One consumer caregiver for children, appointed by the
798 Governor;

799 13. One person older than ~~over the age of~~ 60 years of age
800 to represent the interests of elders, appointed by the Governor;

801 14. One person younger than ~~under the age of~~ 18 years of
802 age to represent the interests of children, appointed by the
803 Governor; ~~and~~

804 15. One consumer caregiver for a functionally impaired
805 elderly person, appointed by the Governor; ~~-~~

806 16. One representative of a public health organization
807 having a major interest in tobacco control, appointed by the
808 Governor; and

809 17. One consumer who is currently eligible for benefits
810 under Title XIX of the Medicaid program.

811 Section 8. Subsections (1), (2), (12), (13), (14), and (15)
812 of section 215.5602, Florida Statutes, as amended by section 1

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813 of chapter 2009-5, Laws of Florida, are amended to read:

814 215.5602 James and Esther King Biomedical Research
815 Program.—

816 (1) There is established within the Department of Health
817 the James and Esther King Biomedical Research Program funded by
818 the proceeds designated pursuant to s. 210.20 and any portion of
819 the Lawton Chiles Endowment Fund pursuant to s. 215.5601. The
820 purpose of the James and Esther King Biomedical Research Program
821 is to provide an annual and perpetual source of funding in order
822 to support research initiatives that address the health care
823 problems of Floridians in the areas of tobacco-related cancer,
824 cardiovascular disease, stroke, and pulmonary disease. The long-
825 term goals of the program are to:

826 (a) Improve the health of Floridians by researching better
827 prevention, diagnoses, treatments, and cures for cancer,
828 cardiovascular disease, stroke, and pulmonary disease.

829 (b) Expand the foundation of biomedical knowledge relating
830 to the prevention, diagnosis, treatment, and cure of diseases
831 related to tobacco use, including cancer, cardiovascular
832 disease, stroke, and pulmonary disease.

833 (c) Improve the quality of the state's academic health
834 centers by bringing the advances of biomedical research into the
835 training of physicians and other health care providers.

836 (d) Increase the state's per capita funding for research by
837 undertaking new initiatives in public health and biomedical
838 research that will attract additional funding from outside the
839 state.

840 (e) Stimulate economic activity in the state in areas
841 related to biomedical research, such as the research and

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842 production of pharmaceuticals, biotechnology, and medical
843 devices.

844 (f) Expand the research capacity and infrastructure needed
845 to conduct research on tobacco-related illnesses using funding
846 for fixed capital outlay projects, as determined by the
847 Biomedical Research Advisory Council, within the program's
848 annual appropriation and up to 50 percent of the program's
849 annual funding allocated for such purpose; however, grant
850 recipients receiving funds for fixed capital outlay projects
851 must use matching funds of at least 200 percent of the moneys
852 awarded by the council.

853 (2) Funds appropriated for the James and Esther King
854 Biomedical Research Program shall be used exclusively for the
855 award of grants and fellowships as established in this section;
856 for research relating to the prevention, diagnosis, treatment,
857 and cure of diseases related to tobacco use, including cancer,
858 cardiovascular disease, stroke, and pulmonary disease; for
859 expenditures related to the expansion of tobacco-related
860 research capacity and infrastructure within the state, including
861 capital outlay costs to achieve such purpose, consistent with
862 the match requirements in paragraph (1)(f); and for expenses
863 incurred in the administration of this section. Priority shall
864 be granted to research designed to prevent or cure disease. The
865 state shall have, commensurate with its level of investment, a
866 commercialization interest in any research supported by the
867 funds appropriated for the program.

868 (12) For the 2008-2009 fiscal year and each fiscal year
869 thereafter, the sum of \$4.5 million is appropriated annually
870 from recurring funds in the General Revenue Fund to the

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871 Biomedical Research Trust Fund within the Department of Health
872 for purposes of the James and Esther King Biomedical Research
873 Program pursuant to this section. From these funds up to \$1
874 million ~~\$250,000~~ shall be available for the operating costs of
875 the Florida Center for Universal Research to Eradicate Disease.
876 Beginning in the 2010-2011 fiscal year, up to \$1 million of the
877 funds allocated to the program shall be available for the
878 program's operating costs incurred pursuant to. s. 210.20.

879 (13) By June 1, 2017 ~~June 1, 2009~~, the Division of
880 Statutory Revision of the Office of Legislative Services shall
881 certify to the President of the Senate and the Speaker of the
882 House of Representatives the language and statutory citation of
883 this section, which is scheduled to expire January 1, 2018
884 ~~January 1, 2011~~.

885 (14) The Legislature shall review the performance, the
886 outcomes, and the financial management of the James and Esther
887 King Biomedical Research Program during the 2017 ~~2010~~ Regular
888 Session of the Legislature and shall determine the most
889 appropriate funding source and means of funding the program
890 based on its review.

891 (15) This section expires January 1, 2018 ~~January 1, 2011~~,
892 unless reviewed and reenacted by the Legislature before that
893 date.

894 Section 9. Paragraphs (c) and (d) of subsection (5) and
895 subsection (12) of section 381.0302, Florida Statutes, are
896 amended to read:

897 381.0302 Florida Health Services Corps.—

898 (5) The department may award scholarships to students
899 studying medicine, osteopathic medicine, chiropractic medicine,

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900 podiatric, nursing, or dentistry.

901 (c) In selecting students to participate in the scholarship
902 program, priority shall be given to students who indicate a
903 desire to practice a primary care specialty in a medically
904 underserved area after their obligation is completed and who
905 indicate an intent to practice medical specialties for which the
906 department has a need. Additional priority shall be given to
907 students who indicate a desire to practice the medical
908 specialties of oncology, cardiology, or pulmonology.

909 (d) Scholarship assistance shall consist of reimbursement
910 for tuition and other educational costs such as books, supplies,
911 equipment, transportation, and monthly living expense stipends.
912 The department shall pay at least the same amount for living
913 expense stipends as is paid by the National Health Services
914 Corps. If the funds allocated to the program pursuant to s.
915 210.20 are sufficient, the department may increase the stipends
916 annually by an amount equal to the Consumer Price Index. Each
917 monthly living expense stipend shall be for a 12-month period
918 beginning with the first month of each school year in which the
919 student is a participant. The department may reimburse a
920 participant for books, supplies, and equipment based on average
921 costs incurred by participants for these items. The department
922 shall prescribe, by rule, eligible expenses for reimbursement
923 and allowable amounts.

924 (12) Funds appropriated under this section shall be
925 deposited in the Florida Health Services Corps Trust Fund, which
926 shall be administered by the department. The department may use
927 funds appropriated for the Florida Health Services Corps,
928 including any moneys allocated pursuant to s. 210.20, as

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929 matching funds for federal service-obligation scholarship
930 programs for health care practitioners, such as the
931 Demonstration Grants to States for Community Scholarship Grants
932 program. If funds appropriated under this section are used as
933 matching funds, federal criteria shall be followed whenever
934 there is a conflict between provisions in this section and
935 federal requirements.

936 Section 10. Section 381.04035, Florida Statutes, is created
937 to read:

938 381.04035 Graduate Medical Education Workforce Act.-

939 (1) LEGISLATIVE FINDINGS AND INTENT.-

940 (a) It is the intent of the Legislature to improve access
941 to health care services for all residents of the state and to
942 foster and maintain accredited graduate medical education
943 programs and positions to address the unique issues relating
944 such access by the state's growing and aging population.

945 (b) The Legislature also finds that the inordinately high
946 burden of diseases caused by tobacco use requires an increase in
947 the number of positions in the medical specialties of oncology,
948 cardiology, and pulmonology. The Legislature finds that the
949 shortage of physicians, including primary care residents,
950 available to care for persons who have certain emergent
951 conditions and traumatic injuries requires an increase in the
952 number of positions for subspecialists, including, but not
953 limited to, plastic surgery, hand surgery, orthopedics,
954 neurosurgery, and pediatric surgery.

955 (c) In order to meet the state's present and future medical
956 needs, the Legislature intends to expand and maintain accredited
957 graduate medical education intern, resident, and fellowship

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958 positions and programs. The Legislature intends to provide
959 funding for newly created, accredited graduate medical education
960 positions at an average of, accounting for differences in
961 specialties, \$90,000 per position per year to fund the direct
962 costs associated with the positions. The funding for positions
963 initiated after the enactment of the 1997 Balanced Budget Act by
964 the Congress of the United States through July 1, 2009, shall be
965 90 percent of the average cost.

966 (d) The Legislature also encourages entities sponsoring and
967 funding graduate medical education positions and programs to
968 apply to the Department of Health for nonrecurring start-up
969 funds and recurring grants for recruiting and retaining faculty
970 physicians and developing and maintaining academic centers of
971 excellence.

972 (2) PROGRAM FOR FUNDING GRADUATE MEDICAL EDUCATION
973 POSITIONS.—

974 (a) A program for funding accredited graduate medical
975 education positions is established within the Department of
976 Health. The program shall provide financial support to hospitals
977 for the direct costs associated with new internships,
978 residencies, and fellowships initiated on or after July 1, 2009.
979 The program shall also provide financial support to hospitals,
980 which do not otherwise receive funding under the Medicare
981 program, for 90 percent of the direct costs associated with
982 internships, residencies, and fellowships initiated before July
983 1, 2009, and after the enactment of the 1997 Balanced Budget Act
984 by Congress. If feasible, and subject to the General
985 Appropriations Act, state funds shall be used to generate
986 federal matching funds under the Medicaid program or other

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987 federal programs. The combined state and federal funds shall be
988 allocated to hospitals participating in the program.

989 (b) The department, based on recommendations made by the
990 Graduate Medical Education Council, shall determine the levels
991 of funding for new internships, residencies, and fellowships in
992 accredited programs. A hospital having full-time equivalent
993 interns, residents, and fellows may apply to the department for
994 grants-in-aid for such positions.

995 (c) The funding for internships, residencies, and
996 fellowships in accredited programs which are added after the
997 adoption of the 1997 Balanced Budget Act by Congress and before
998 July 1, 2009, and for which the hospital does not receive
999 federal funding shall be limited to 90 percent of the amount
1000 determined under paragraph (b). A hospital having full-time
1001 equivalent interns, residents, and fellows may apply to the
1002 department for grants-in-aid for qualifying positions.

1003 (d) A hospital receiving funding through the program shall
1004 submit an annual report to the department and the Graduate
1005 Medical Education Council which identifies the graduate medical
1006 education activities supported by the program.

1007 (3) PROGRAM FOR FUNDING GRADUATE MEDICAL EDUCATION PROGRAMS
1008 AND ACADEMIC CENTERS OF EXCELLENCE.—

1009 (a) A program for funding graduate medical education
1010 programs and academic centers of excellence is established
1011 within the Department of Health. It is the intent of the
1012 Legislature to fund the development and maintenance of graduate
1013 medical education programs, including start-up costs and the
1014 costs associated with recruiting and retaining qualified faculty
1015 physicians, and the establishment and support of academic

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1016 centers of excellence. Hospitals, universities, and other
1017 sponsoring entities may apply to the department for nonrecurring
1018 grants-in-aid for such costs. If feasible, and subject to the
1019 General Appropriations Act, state funds shall be used to
1020 generate federal matching funds under the Medicaid program or
1021 other federal programs. The combined state and federal funds
1022 shall be allocated to eligible participants.

1023 (b) Start-up costs may include, but need not be limited to,
1024 items such as capital expenditures, equipment, and technology.

1025 (c) The department, in consultation with the Graduate
1026 Medical Education Council, shall determine the criteria for and
1027 identification of the levels of funding for recruiting and
1028 retaining faculty physicians, and the criteria for supporting
1029 and developing academic centers of excellence, except for the
1030 state's designated burn units established in s. 408.0361.

1031 (d) Participating entities that receive funds under the
1032 program shall submit an annual report to the department and the
1033 Graduate Medical Education Council which identifies the graduate
1034 medical education activities supported by the program.

1035 (4) GRADUATE MEDICAL EDUCATION COUNCIL; MEMBERSHIP;
1036 STAFFING.—

1037 (a) The Graduate Medical Education Council is created and
1038 shall consist of nine members as follows:

1039 1. Four members shall be recommended by the Council of
1040 Medical School Deans;

1041 2. Two members shall be recommended by the Statutory
1042 Teaching Hospital Council of Florida;

1043 3. One member shall be a representative of a family
1044 practice teaching hospital as defined in s. 395.805;

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1045 4. One member shall be a representative of a community
1046 hospital education program hospital as provided in s.381.0403;
1047 and

1048 5. One member shall be a consumer representative.

1049
1050 Each member shall be appointed by the Governor for a 4-year
1051 term. Initial appointments shall be made by September 1, 2009.

1052 (b) A member's term shall end when his or her
1053 representative status no longer exists. A member who has a
1054 similar representative status shall be appointed to replace the
1055 retiring or resigning member.

1056 (c) The State Surgeon General shall designate an
1057 administrator to serve as staff director of the council. The
1058 council shall elect a chairperson from among its membership.

1059 (d) The council shall develop a formal process to implement
1060 this section by December 1, 2009.

1061 (5) DEPARTMENT OF HEALTH; REPORTING REQUIREMENTS.-

1062 (a) The department, based on recommendations made by the
1063 Graduate Medical Education Council, shall analyze the cost
1064 reports submitted by hospitals that have graduate medical
1065 education programs and positions; determine the direct costs
1066 associated with internship, residency, and fellowship positions;
1067 and set the amount per position, based on the specialty, which
1068 shall be an average of \$90,000 per position. The department
1069 shall require the hospitals receiving funds appropriated
1070 pursuant to subsection (2) to submit, at a minimum:

1071 1. Evidence that the graduate medical education positions
1072 are accredited by the Accreditation Council for Graduate Medical
1073 Education or the American Osteopathic Association.

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1074 2. Quarterly reports indicating the number of positions for
1075 which the hospital is receiving funding.

1076 3. An annual report identifying the graduate medical
1077 education positions supported by the program.

1078 (b) When evaluating requests for funding under subsection
1079 (3), the department, based on recommendations made by the
1080 council, shall consult with the Agency for Health Care
1081 Administration and review, at a minimum:

1082 1. Reports from the physician workforce assessment and
1083 development activities and materials created pursuant to s.
1084 381.4018;

1085 2. Reports and materials created pursuant to s. 381.0403;

1086 3. Reports, materials, and work groups formed by the
1087 department's Office of Trauma under part I of chapter 395;

1088 4. Inventory of hospital emergency room services created
1089 pursuant to the Access to Emergency Care Act, s. 395.1041; and

1090 5. Burn units established pursuant to s. 408.0361 and rule
1091 59C-1.043, Florida Administrative Code.

1092 (c) The department shall establish reporting requirements
1093 for hospitals, universities, and other qualified entities
1094 receiving funding under subsection (3), which shall include, but
1095 not be limited to:

1096 1. Evidence that the graduate medical education programs
1097 are seeking accreditation from or have been accredited by the
1098 Accreditation Council for Graduate Medical Education or the
1099 American Osteopathic Association.

1100 2. Quarterly receipts of any nonrecurring start-up
1101 expenditures.

1102 3. Evidence that the funding for establishing and

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1103 maintaining academic centers of excellence has improved
1104 patients' access to health care.

1105 (6) MATCHING FUNDS.—Funds appropriated pursuant to s.
1106 210.20 shall be used to match funds from any local or state
1107 governmental, hospital, or sponsoring entity source. The
1108 matching funds must provide up to 70 percent of the funds
1109 necessary to support and maintain the graduate medical education
1110 programs. In addition to the reporting requirements in
1111 subsection (5), hospitals, universities, and sponsoring entities
1112 shall provide the department with evidence of nonstate support
1113 for the graduate medical education programs and positions.

1114 (7) STAFFING.—The department may employ other personnel as
1115 necessary to implement and administer this section. The funds
1116 appropriated pursuant to s. 210.20 shall support the
1117 department's staff.

1118 Section 11. Subsection (1) and paragraphs (a), (b), (e),
1119 (f), and (h) of subsection (3) of section 381.4018, Florida
1120 Statutes, are amended to read:

1121 381.4018 Physician workforce assessment and development.—

1122 (1) LEGISLATIVE INTENT.—The Legislature recognizes that
1123 physician workforce planning is an essential component of
1124 ensuring that there is an adequate and appropriate supply of
1125 well-trained physicians to meet the ~~this~~ state's future health
1126 care service needs as the general population and elderly
1127 population of the state increase. The Legislature finds that
1128 items to consider relative to assessing the physician workforce
1129 may include physician practice status; specialty mix; geographic
1130 distribution; demographic information, including, but not
1131 limited to, age, gender, race, and cultural considerations; ~~and~~

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1132 needs of current or projected medically underserved areas in the
1133 state; and the relative burden of cancer, heart, and lung
1134 diseases which is exacerbated by the state's demographics. Long-
1135 term strategic planning is essential as the period from the time
1136 a medical student enters medical school to completion of
1137 graduate medical education may range from 7 to 10 years or
1138 longer. The Legislature recognizes that strategies to provide
1139 for a well-trained supply of physicians must include ensuring
1140 the availability and capacity of quality graduate medical
1141 schools in the ~~this~~ state, as well as using new or existing
1142 state and federal programs providing incentives for physicians
1143 to practice in needed specialties and in underserved areas in a
1144 manner that addresses projected needs for physician manpower.

1145 (3) GENERAL FUNCTIONS.—The department shall maximize the
1146 use of existing programs under the jurisdiction of the
1147 department and other state agencies and coordinate governmental
1148 and nongovernmental stakeholders and resources in order to
1149 develop a state strategic plan and assess the implementation of
1150 such strategic plan. In developing the state strategic plan, the
1151 department shall:

1152 (a) Monitor, evaluate, and report on the supply and
1153 distribution of physicians, including physicians who practice
1154 medical specialties, licensed under chapter 458 or chapter 459.
1155 The department shall maintain a database to serve as a statewide
1156 source of data concerning the physician workforce.

1157 (b) Develop a model and quantify, on an ongoing basis, the
1158 adequacy of the state's current and future physician workforce,
1159 including physicians who practice medical specialties, as
1160 reliable data becomes available. The ~~Such~~ model must take into

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1161 account demographics, physician practice status, place of
1162 education and training, generational changes, population growth,
1163 economic indicators, and issues concerning the "pipeline" into
1164 medical education.

1165 (e) Pursue strategies and policies to create, expand, and
1166 maintain graduate medical education positions in the state based
1167 on the analysis of the physician workforce data, and provide for
1168 innovations in medical specialties, including oncology,
1169 cardiology, and pulmonology, based upon the state's demographics
1170 and its present and future burdens related to such diseases. The
1171 ~~Such~~ strategies and policies must take into account the effect
1172 of federal funding limitations on the expansion and creation of
1173 positions in graduate medical education. The department shall
1174 develop options to address such federal funding limitations. The
1175 department shall consider options to provide direct state
1176 funding for graduate medical education positions in a manner
1177 that addresses requirements and needs relative to accreditation
1178 of graduate medical education programs using moneys designated
1179 for such purpose pursuant to s. 210.20. The department shall
1180 consider funding residency positions as a means of addressing
1181 needed physician specialty areas, including oncology,
1182 cardiology, pulmonology, and other specialty areas adversely
1183 affected by the state's demographics, rural areas having a
1184 shortage of physicians, and areas of ongoing critical need, and
1185 as a means of addressing the state's physician workforce needs
1186 based on an ongoing analysis of physician workforce data.

1187 (f) Develop strategies to maximize federal and state
1188 programs that provide for the use of incentives to attract
1189 physicians to the ~~this~~ state or retain physicians within the

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1190 state. The ~~Such~~ strategies shall ~~should~~ explore and maximize
1191 federal-state partnerships that provide incentives for
1192 physicians to practice in federally designated shortage areas.
1193 The strategies shall also consider the use of state programs,
1194 such as the Florida Health Service Corps established pursuant to
1195 s. 381.0302 and the Medical Education Reimbursement and Loan
1196 Repayment Program pursuant to s. 1009.65, which provide for
1197 education loan repayment or loan forgiveness and provide
1198 monetary incentives for physicians to relocate to underserved
1199 areas of the state. A portion of the funds allocated pursuant to
1200 s. 210.20 may be used for the purposes provided in this
1201 paragraph.

1202 (h) Work in conjunction with and act as a coordinating body
1203 for governmental and nongovernmental stakeholders to address
1204 matters relating to the state's physician workforce assessment
1205 and development for the purpose of ensuring an adequate supply
1206 of well-trained physicians to meet the state's future needs.

1207 1. Such governmental stakeholders shall include, but need
1208 not be limited to:7

1209 a. The State Surgeon General or his or her designee;7

1210 b. The Commissioner of Education or his or her designee;7

1211 c. The Secretary of Health Care Administration or his or
1212 her designee;7 and

1213 d. The Chancellor of the State University System or his or
1214 her designee from the Board of Governors of the State University
1215 System;7 and7

1216 e. At the discretion of the department, other
1217 representatives of state and local agencies that are involved in
1218 assessing, educating, or training the state's current or future

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1219 physicians.

1220 2. Other stakeholders shall include, but need not be
1221 limited to:7

1222 a. Organizations representing the state's public and
1223 private allopathic and osteopathic medical schools;

1224 b. Organizations representing hospitals and other
1225 institutions providing health care, particularly those that have
1226 an interest in providing accredited medical education and
1227 graduate medical education to medical students and medical
1228 residents;

1229 c. Organizations representing allopathic and osteopathic
1230 practicing physicians; and7

1231 d. At the discretion of the department, representatives of
1232 other organizations or entities involved in assessing,
1233 educating, or training the state's current or future physicians,
1234 including public health groups and organizations having an
1235 expertise in the trends of diseases, which are relevant to the
1236 state, and in the need to anticipate and adequately address
1237 issues concerning medical capacity.

1238 Section 12. Paragraphs (b) and (h) of subsection (3) of
1239 section 381.84, Florida Statutes, are amended to read:

1240 381.84 Comprehensive Statewide Tobacco Education and Use
1241 Prevention Program.—

1242 (3) PROGRAM COMPONENTS AND REQUIREMENTS.—The department
1243 shall conduct a comprehensive, statewide tobacco education and
1244 use prevention program consistent with the recommendations for
1245 effective program components contained in the 1999 Best
1246 Practices for Comprehensive Tobacco Control Programs of the CDC,
1247 as amended by the CDC. The program shall include the following

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1248 components, each of which shall focus on educating people,
1249 particularly youth and their parents, about the health hazards
1250 of tobacco and discouraging the use of tobacco:

1251 (b) *Cessation programs, counseling, and treatment.*—This
1252 program component shall include two subcomponents:

1253 1. A statewide toll-free cessation service that shall
1254 ~~which may~~ include counseling, referrals to other local and state
1255 resources and support services, including the Cover Florida
1256 Health Care Access Program for persons who meet the eligibility
1257 requirements in s. 408.9091(7), and treatment to the extent
1258 funds are available for treatment services; and

1259 2. A local community-based program to disseminate
1260 information about smoking cessation, how smoking cessation
1261 relates to prenatal care and obesity prevention, and other
1262 chronic tobacco-related diseases.

1263 (h) *Enforcement and awareness of related laws.*—In
1264 coordination with the Department of Business and Professional
1265 Regulation, the program shall monitor the enforcement of laws,
1266 rules, and policies prohibiting the sale or other provision of
1267 tobacco to minors, as well as the continued enforcement of the
1268 Clean Indoor Air Act prescribed in chapter 386. The
1269 advertisements produced in accordance with paragraph (a) may
1270 also include information designed to make the public aware of
1271 these related laws and rules. The departments may enter into
1272 interagency agreements to carry out this program component.
1273 Funds designated pursuant to s. 210.20 shall be used to
1274 administer this paragraph.

1275 Section 13. Subsection (5) of section 381.855, Florida
1276 Statutes, is amended, present subsections (5) through (7) of

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1277 that section are redesignated as subsections (6) through (8),
 1278 respectively, and a new subsection (5) is added to that section
 1279 to read:

1280 381.855 Florida Center for Universal Research to Eradicate
 1281 Disease.—

1282 (5) Beginning in the 2009-2010 fiscal year, an annual sum
 1283 of no more than \$1 million shall be allocated to the center for
 1284 its operations pursuant to s. 210.20 for the James and Esther
 1285 King Biomedical Research Program.

1286 ~~(6)-(5)~~ There is established within the center an advisory
 1287 council that shall meet at least annually.

1288 (a) The council shall consist of one representative from a
 1289 Florida not-for-profit institution engaged in basic and clinical
 1290 biomedical research and education which receives more than \$10
 1291 million in annual grant funding from the National Institutes of
 1292 Health, to be appointed by the State Surgeon General from a
 1293 different institution each term, and one representative from and
 1294 appointed by each of the following entities:

- 1295 1. Enterprise Florida, Inc.
- 1296 2. BioFlorida.
- 1297 3. The Biomedical Research Advisory Council.
- 1298 4. The Florida Medical Foundation.
- 1299 5. Pharmaceutical Research and Manufacturers of America.
- 1300 ~~6. The Florida Cancer Council.~~
- 1301 ~~6.7.~~ The American Cancer Society, Florida Division, Inc.
- 1302 ~~7.8.~~ The American Heart Association, Greater Southeast
 1303 Affiliate.
- 1304 ~~8.9.~~ The American Lung Association of Florida.
- 1305 ~~9.10.~~ The American Diabetes Association, South Coastal

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Region.

~~10.11.~~ The Alzheimer's Association.

~~11.12.~~ The Epilepsy Foundation.

~~12.13.~~ The National Parkinson Foundation.

~~14.~~ ~~The Florida Public Health Foundation, Inc.~~

~~13.15.~~ The Florida Research Consortium.

14. A Florida-based research facility that is designated by the National Cancer Institute as a comprehensive cancer center.

(b) Members of the council shall serve without compensation, and each organization represented shall cover all expenses of its representative.

Section 14. Paragraph (c) of subsection (1) of section 381.91, Florida Statutes, is amended to read:

381.91 Jessie Trice Cancer Prevention Program.—

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

(c) Establish a funding source, from which moneys shall be designated pursuant to s. 210.20, to build upon local private participation to sustain the operation of the program.

Section 15. Section 381.92, Florida Statutes, is repealed.

Section 16. Section 381.921, Florida Statutes, is repealed.

Section 17. Subsections (1), (2), (5), (6), (7), and (8) of section 381.922, Florida Statutes, as amended by section 2 of chapter 2009-5, Laws of Florida, are amended, present subsections (6) through (8) are redesignated as subsections (7) through (10), respectively, and new subsections (6) and (7) are added to that section, to read:

381.922 William G. "Bill" Bankhead, Jr., and David Coley Cancer Research Program.—

(1) The William G. "Bill" Bankhead, Jr., and David Coley

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1335 Cancer Research Program, which may be otherwise cited as the
1336 "Bankhead-Coley Program," is created within the Department of
1337 Health. The purpose of the program is shall be to advance
1338 ~~progress~~ towards cures for cancer using through grants awarded
1339 through a peer-reviewed, competitive process, and to expand
1340 cancer research and treatment capacity in the state.

1341 (2) The program shall provide grants for cancer research to
1342 further the search for cures for cancer, for recruiting cancer
1343 researchers and research teams to institutions in the state, for
1344 operational start-up grants for newly recruited cancer
1345 researchers and research teams, and for fixed capital outlay
1346 expenditures related to the expansion of cancer research and
1347 treatment capacity in the state. Fifty percent of the program's
1348 annual allocation shall apply to the purposes provided in this
1349 subsection. Grantees receiving moneys for purposes other than
1350 research shall use matching funds of at least 200 percent of the
1351 amount awarded by the Biomedical Research Advisory Council.

1352 (a) In order to support the advancement of cures for cancer
1353 in the state, emphasis shall be given to the following goals:
1354 ~~enumerated in s. 381.921, as those goals support the advancement~~
1355 ~~of such cures.~~

1356 1. Significantly expand cancer research capacity by
1357 identifying ways to attract new research talent and attendant
1358 national grant-producing researchers to cancer research
1359 facilities by:

1360 a. Implementing a peer-reviewed, competitive process to
1361 identify and fund the best proposals to expand cancer research
1362 institutes;

1363 b. Providing funding by using available resources for

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1364 proposals that demonstrate the greatest opportunity to attract
1365 federal research grants and private financial support;

1366 c. Encouraging the employment of bioinformatics in order to
1367 create a cancer informatics infrastructure that enhances
1368 information and resource exchange and integration through
1369 researchers working in diverse disciplines and to facilitate the
1370 full spectrum of cancer investigations;

1371 d. Facilitating the technical coordination, business
1372 development, and support of intellectual property as it relates
1373 to the advancement of cancer research; and

1374 e. Aiding in other multidisciplinary research-support
1375 activities that benefit the advancement of cancer research.

1376 2. Improve both research and treatment through greater
1377 participation in clinical trials networks by:

1378 a. Identifying ways to increase adult enrollment in cancer
1379 clinical trials;

1380 b. Supporting public and private professional education
1381 programs designed to increase the awareness and knowledge of
1382 cancer clinical trials;

1383 c. Providing tools for cancer patients and community-based
1384 oncologists to aid in the identification of cancer clinical
1385 trials; and

1386 d. Creating opportunities for academic cancer centers to
1387 collaborate with community-based oncologists in cancer clinical
1388 trials networks.

1389 3. Reduce the impact of cancer on disparate groups by:

1390 a. Identifying those cancers that disproportionately affect
1391 certain demographic groups; and

1392 b. Building collaborations designed to reduce health

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1393 disparities relating to cancer.

1394 (b) Preference may be given to grant proposals that foster
1395 collaborations among institutions, researchers, and community
1396 practitioners, as such proposals support the advancement of
1397 cures through basic or applied research, including clinical
1398 trials involving cancer patients and related networks.

1399 (5) For the 2008-2009 fiscal year and each fiscal year
1400 thereafter, the sum of \$6.75 million is appropriated annually
1401 from recurring funds in the General Revenue Fund to the
1402 Biomedical Research Trust Fund within the Department of Health
1403 for purposes of the William G. "Bill" Bankhead, Jr., and David
1404 Coley Cancer Research Program and shall be distributed pursuant
1405 to this section to provide grants to researchers seeking cures
1406 for cancer, with emphasis given to the goals enumerated in
1407 subsection (2) of this section s. 381.921. From the total funds
1408 appropriated, an amount of up to 10 percent may be used for
1409 administrative expenses.

1410 (6) Beginning in the 2009-2010 fiscal year, and every year
1411 thereafter, funds generated pursuant to s. 210.20 shall be used
1412 to support the purposes provided in this section. The annual
1413 appropriation of such funds shall allow for reasonable
1414 administrative costs associated with implementing the program.

1415 (7) The state shall have, commensurate with its level of
1416 investment, a commercialization interest in any research
1417 supported by the funds appropriated from the program.

1418 (8) ~~(6)~~ By June 1, 2016 ~~June 1, 2009,~~ the Division of
1419 Statutory Revision of the Office of Legislative Services shall
1420 certify to the President of the Senate and the Speaker of the
1421 House of Representatives the language and statutory citation of

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1422 this section, which is scheduled to expire January 1, 2018
 1423 ~~January 1, 2011~~.

1424 (9)~~(7)~~ The Legislature shall review the performance, the
 1425 outcomes, and the financial management of the William G. "Bill"
 1426 Bankhead, Jr., and David Coley Cancer Research Program during
 1427 the 2010 Regular Session of the Legislature and shall determine
 1428 the most appropriate funding source and means of funding the
 1429 program based on its review.

1430 (10)~~(8)~~ This section expires January 1, 2018 ~~January 1,~~
 1431 ~~2011~~, unless reviewed and reenacted by the Legislature before
 1432 that date.

1433 Section 18. Subsections (3) and (4) of section 381.93,
 1434 Florida Statutes, are amended to read:

1435 381.93 Breast and cervical cancer early detection program.—
 1436 This section may be cited as the "Mary Brogan Breast and
 1437 Cervical Cancer Early Detection Program Act."

1438 (3) The Mary Brogan Breast and Cervical Cancer Early
 1439 Detection Program shall be funded through grants for such
 1440 screening and early detection purposes from the federal Centers
 1441 for Disease Control and Prevention under Title XV of the Public
 1442 Health Service Act, 42 U.S.C. ss. 300k et seq. and moneys
 1443 designated for such purposes pursuant to s. 210.20.

1444 (4) The department shall limit enrollment in the program to
 1445 persons with incomes up to and including 250 ~~200~~ percent of the
 1446 federal poverty level. The department shall establish an
 1447 eligibility process that includes an income-verification process
 1448 to ensure that persons served under the program meet income
 1449 guidelines.

1450 Section 19. Subsections (2) and (3) of section 395.6061,

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1451 Florida Statutes, are amended to read:

1452 395.6061 Rural hospital capital improvement.—There is
1453 established a rural hospital capital improvement grant program.

1454 (2) Each rural hospital as defined in s. 395.602 shall
1455 receive a minimum of \$100,000 annually, subject to legislative
1456 appropriation, upon application to the Department of Health, for
1457 projects to acquire, repair, improve, or upgrade systems,
1458 facilities, or equipment. Each rural hospital may apply for
1459 funds designated pursuant to s. 210.20 for the purposes provided
1460 in this section.

1461 (3) Funds for the acquisition, repair, improvement, or
1462 upgrade of systems, facilities, or equipment at rural hospitals
1463 ~~Any remaining funds~~ shall annually be annually disbursed ~~to~~
1464 ~~rural hospitals~~ in accordance with this section. The Department
1465 of Health shall establish, by rule, criteria for awarding grants
1466 ~~for any remaining funds~~, which must be used exclusively for the
1467 support and assistance of rural hospitals as defined in s.
1468 395.602, including criteria relating to the level of
1469 uncompensated care rendered by the hospital, the participation
1470 in a rural health network as defined in s. 381.0406, and the
1471 proposed use of the grant by the rural hospital to resolve a
1472 specific problem. The department must consider any information
1473 submitted in an application for the grants in accordance with
1474 subsection (1) in determining eligibility for and the amount of
1475 the grant, and none of the individual items of information by
1476 itself may be used to deny ~~grant~~ eligibility.

1477 Section 20. Subsection (2), paragraph (a) of subsection
1478 (4), and present subsection (9) of section 408.9091, Florida
1479 Statutes, are amended, present subsections (8) through (11) of

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1480 that section are redesignated as subsections (9) through (12),
1481 respectively, and a new subsection (8) is added to that section,
1482 to read:

1483 408.9091 Cover Florida Health Care Access Program.—

1484 (2) LEGISLATIVE INTENT.—The Legislature finds that a
1485 significant number of state residents are unable to obtain
1486 affordable health insurance coverage. The Legislature also finds
1487 that existing health flex plan coverage has had limited
1488 participation due in part to narrow eligibility restrictions as
1489 well as minimal benefit options for catastrophic and emergency
1490 care coverage. Therefore, it is the intent of the Legislature to
1491 expand the availability of health care options for uninsured
1492 residents by developing an affordable health care product that
1493 emphasizes coverage for basic and preventive health care
1494 services and smoking cessation; provides inpatient hospital,
1495 urgent, and emergency care services; and is offered statewide by
1496 approved health insurers, health maintenance organizations,
1497 health-care-provider-sponsored organizations, or health care
1498 districts.

1499 (4) PROGRAM.—The agency and the office shall jointly
1500 establish and administer the Cover Florida Health Care Access
1501 Program.

1502 (a) General Cover Florida plan components must require
1503 that:

1504 1. Plans are offered on a guaranteed-issue basis to
1505 enrollees, subject to exclusions for preexisting conditions
1506 approved by the office and the agency.

1507 2. Plans are portable such that the enrollee remains
1508 covered regardless of employment status or the cost-sharing of

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1509 premiums.

1510 3. Plans provide for cost containment through limits on the
1511 number of services, caps on benefit payments, and copayments for
1512 services.

1513 4. A Cover Florida plan entity makes all benefit plan and
1514 marketing materials available in English and Spanish.

1515 5. In order to provide for consumer choice, Cover Florida
1516 plan entities develop two alternative benefit option plans
1517 having different cost and benefit levels, including at least one
1518 plan that provides catastrophic coverage.

1519 6. Plans without catastrophic coverage provide coverage
1520 options for services including, but not limited to:

1521 a. Preventive health services, including immunizations,
1522 annual health assessments, well-woman and well-care services,
1523 and preventive screenings such as mammograms, cervical cancer
1524 screenings, and noninvasive colorectal or prostate screenings.

1525 b. Incentives for routine preventive care.

1526 c. Office visits for the diagnosis and treatment of illness
1527 or injury.

1528 d. Office surgery, including anesthesia.

1529 e. Behavioral health services.

1530 f. Durable medical equipment and prosthetics.

1531 g. Diabetic supplies.

1532 h. Nicotine-replacement therapy supplies and other
1533 pharmacotherapeutic tools relating to smoking cessation.

1534 7. Plans providing catastrophic coverage, at a minimum,
1535 provide coverage options for all of the services listed under
1536 subparagraph 6.; however, such plans may include, but are not
1537 limited to, coverage options for:

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- 1538 a. Inpatient hospital stays.
- 1539 b. Hospital emergency care services.
- 1540 c. Urgent care services.
- 1541 d. Outpatient facility services, outpatient surgery, and
- 1542 outpatient diagnostic services.
- 1543 8. All plans offer prescription drug benefit coverage, use
- 1544 a prescription drug manager, or offer a discount drug card.
- 1545 9. Plan enrollment materials provide information in plain
- 1546 language on policy benefit coverage, benefit limits, cost-
- 1547 sharing requirements, and exclusions and a clear representation
- 1548 of what is not covered in the plan. Such enrollment materials
- 1549 must include a standard disclosure form adopted by rule by the
- 1550 Financial Services Commission, to be reviewed and executed by
- 1551 all consumers purchasing Cover Florida plan coverage.
- 1552 10. Plans offered through a qualified employer meet the
- 1553 requirements of s. 125 of the Internal Revenue Code.
- 1554 (8) TEMPORARY PREMIUM SUBSIDY FOR CERTAIN PERSONS.—An
- 1555 individual who meets the eligibility requirements in subsection
- 1556 (7) and who is enrolled and actively participating in a smoking
- 1557 cessation program as provided in s. 381.84 is eligible to have
- 1558 his or her insurance premium subsidized by the state for a
- 1559 period of up to 12 months, at an amount of up to \$75 per month,
- 1560 to the extent that the funds designated pursuant to s. 210.20
- 1561 for this purpose are available.
- 1562 (10)-(9) NONENTITLEMENT.—Notwithstanding subsection (8),
- 1563 coverage under a Cover Florida plan is not an entitlement, and a
- 1564 cause of action does not arise against the state, a local
- 1565 government entity, any other political subdivision of the state,
- 1566 or the agency or the office for failure to make coverage

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1567 available to eligible persons under this section.

1568 Section 21. Section 1009.675, Florida Statutes, is created
1569 to read:

1570 1009.675 Nursing Education Enhancement Program.—

1571 (1) The Nursing Education Enhancement Program is
1572 established to provide supplemental funding for public nursing
1573 education in the state for the purpose of expanding the
1574 affordability and accessibility of college credit for a nursing
1575 education.

1576 (2) The program shall be funded by moneys designated
1577 pursuant to s. 210.20 and for the purposes provide in this
1578 section, which shall be divided equally between the State
1579 University System and the Community College System.

1580 (3) The funds awarded by the Chancellor of the State
1581 University System or the Chancellor of the Community College
1582 System shall be distributed to support, as appropriate:

1583 (a) Nursing faculty salary enhancements or bonuses;

1584 (b) Patient simulators that may be used for clinical
1585 experience;

1586 (c) Scholarships that may be used by the nursing faculty to
1587 obtain advanced degrees in the nursing field; and

1588 (d) Other nursing-related instructional activities.

1589 (4) The Chancellor of the State University System and the
1590 Chancellor of the Community College System shall submit a
1591 report, which details the initial use of the funds and the
1592 anticipated impact of the program on the state's nursing
1593 shortage, to the Governor, the President of the Senate, and the
1594 Speaker of the House of Representatives by January 15, 2010.

1595 (5) The State University System and the Community College

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1596 System may adopt rules to administer this section.

1597 Section 22. Subsections (1), (4), and (5) of section
1598 1009.68, Florida Statutes, are amended to read:

1599 1009.68 Florida Minority Medical Education Program.—

1600 (1) There is created a Florida Minority Medical Education
1601 Program to be administered by the Department of Education in
1602 accordance with rules established by the State Board of
1603 Education. The program shall provide scholarships to enable
1604 minority students to pursue a medical education at the
1605 University of Florida, the University of South Florida, Florida
1606 State University, the University of Miami, including Florida
1607 Atlantic University, ~~or~~ Southeastern University of the Health
1608 Sciences, the University of Central Florida, or Florida
1609 International University for the purpose of addressing the
1610 primary health care needs of underserved groups.

1611 (4) The number of scholarships annually awarded shall be
1612 equally distributed to the institutions listed in subsection (1)
1613 from moneys allocated pursuant to s. 210.20; however, any unused
1614 scholarships may be redistributed by the department to
1615 institutions having qualified applicants ~~three per school~~.
1616 Priority in the distribution of scholarships shall be given to
1617 students with the lowest total family resources.

1618 (5) Funds appropriated by the Legislature for the program,
1619 which shall be substantially funded pursuant to s. 210.20, shall
1620 be deposited in the State Student Financial Assistance Trust
1621 Fund. Interest income accruing to the program from funds of the
1622 program in the trust fund not allocated shall increase the funds
1623 available for scholarships. Any balance in the trust fund at the
1624 end of any fiscal year which ~~that~~ has been allocated to the

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1625 program shall remain in the trust fund and shall be available
1626 for carrying out the purposes in ~~of~~ this section.

1627 Section 23. Section 1013.83, Florida Statutes, is created
1628 to read:

1629 1013.83 Florida Medical School Facilities Program.-

1630 (1) The Florida Medical School Facilities Program is
1631 established and shall be administered by the Board of Governors.

1632 (2) Funds appropriated for the program shall be used to
1633 construct and equip state medical schools and other related
1634 facilities in the state. The Board of Governors shall solicit
1635 competitive proposals for the use of such funds. Preference
1636 shall be given to proposals from institutions which demonstrate
1637 the greatest need in fulfilling their core medical education
1638 mission, as well as proposals involving collaborative or shared-
1639 use facilities.

1640 (3) The program shall be funded with proceeds designated
1641 pursuant to s. 210.20.

1642 (4) This section shall expire June 30, 2017.

1643 (5) The Board of Governors may adopt rules to administer
1644 and implement this section.

1645 Section 24. The additional tax imposed by s. 210.20,
1646 Florida Statutes, applies to existing inventory on the effective
1647 date of this act. On July 1, 2009, each manufacturer,
1648 distributor, wholesaler, and vendor in the state shall take an
1649 inventory of the cigarettes in its possession before opening for
1650 business. The amount of inventory shall be certified to the
1651 Division of Alcoholic Beverages and Tobacco of the Department of
1652 Business and Professional Regulation on or before July 21, 2009,
1653 and shall include documentation accompanied by certified check,

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1654 money order, or an electronic funds transfer for the amount of
1655 the additional tax due on the inventory. Chapter 210, Florida
1656 Statutes, relating to penalties and interest for delinquent
1657 payments applies to this section. The proceeds of the additional
1658 tax on the existing inventory shall be deposited into the
1659 Cigarette Tax Collection Trust Fund and shall be distributed in
1660 accordance with the manner prescribed in s. 210.20, Florida
1661 Statutes.

1662 Section 25. By December 1, 2009, and before December 1 of
1663 each year thereafter, the Department of Health shall submit to
1664 the Governor, the President of the Senate, and the Speaker of
1665 the House of Representatives a report containing an estimate of
1666 the financial impact that tobacco use and tobacco-related
1667 illnesses have on the state's economy and its taxpayers for each
1668 of the prior 10 years, as well as an estimate of the value of
1669 cost savings associated with the expenditure of revenues
1670 generated by the cigarette tax imposed pursuant to s. 210.02,
1671 Florida Statutes, during the same period.

1672 Section 26. This act shall take effect July 1, 2009.