

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 331
SPONSOR(S): Skidmore
TIED BILLS:

Public Health Initiatives

IDEN./SIM. BILLS: SB 902

Table with 4 columns: REFERENCE, ACTION, ANALYST, STAFF DIRECTOR. Rows include Health Care Regulation Policy Committee, Health & Family Services Policy Council, and Policy Council.

SUMMARY ANALYSIS

The Florida Public Health Foundation (Foundation), a not-for-profit corporation, provided for in Section 381.98, Florida Statutes, voluntarily dissolved and merged with the Florida Public Health Institute (Institute) in 2008. Generally, the bill amends s. 381.89, F.S., to revise the duties, responsibilities, establishment of the board of directors, board membership and reporting requirements of the Florida Public Health Foundation and formally transfers the duties and responsibilities of the Foundation to the Florida Public Health Institute, Inc.

Specifically, the bill:

- Changes the name of the Florida Public Health Foundation, Inc., to the Florida Public Health Institute, Inc.;
Modifies the purpose of the Institute by deleting the requirements of disseminating breakthrough findings in biomedical research and providing services to the department;
Deletes the mission statement for the Institute;
Revises the membership of the board of directors to add: a representative of the Florida Public Health Association; three representatives of local health departments where at least such one representative is from the southern, central, and northern geographic areas of the state; representatives from institutions of higher learning; and representatives of the private health care provider sector, industry or business groups, or philanthropic foundations; and deletes all other organizations represented on the board except the State Surgeon General or his/her designee;
Provides that the majority of board members may not be state employees;
Provides that the board of directors shall be elected in accordance with the bylaws of the corporation;
Deletes the 2-year terms limit for board members;
Deletes the prohibition that serving board members receive compensation, resulting in the bill permitting such members to receive compensation. The bill is silent regarding the source or amount of potential compensation;
Deletes the requirement of organizations represented on the board of directors to cover expenses of its representative(s). However, the bill does not specify how or if the expenses will be reimbursed;
Deletes the Institute's requirement to facilitate communication between biomedical researchers and health providers;
Retains the requirement that the Institute provide an annual report concerning its activities, yet deletes reporting on its finances, to both chambers of the Legislature; and,
Deletes the requirement that the Institute provide an annual report to the Florida Center for Universal Research to Eradicate Disease and the Governor.

The bill has no fiscal impact to the state or local government.

The bill takes effect July 1, 2009.

## HOUSE PRINCIPLES

Members are encouraged to evaluate proposed legislation in light of the following guiding principles of the House of Representatives

- Balance the state budget.
- Create a legal and regulatory environment that fosters economic growth and job creation.
- Lower the tax burden on families and businesses.
- Reverse or restrain the growth of government.
- Promote public safety.
- Promote educational accountability, excellence, and choice.
- Foster respect for the family and for innocent human life.
- Protect Florida's natural beauty.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### Background:

##### **Florida Public Health Foundation**

In 2001, the Florida Public Health Foundation was incorporated as a 501(c)(3) not-for-profit organization to engage in charitable programs dedicated to improving the health of Florida citizens, to conduct educational programs for those working and interested in public health, and to have all of the powers conferred upon corporations organized under the Florida Not For Profit Corporation Act.<sup>1</sup>

In 2004, the Florida Legislature created s. 381.98, F.S., establishing the Florida Public Health Foundation, Inc., or ("foundation") in law for the purpose of disseminating breakthrough findings in biomedical research and promoting health awareness in the state and to provide services to the Department of Health ("department").<sup>2</sup> The Foundation's mission includes disseminating information about innovative biomedical research and clinical trials in this state as well as making Floridians and their treatment providers aware of specified diseases and conditions and available methods of preventing, diagnosing, treating, and curing those diseases and conditions.<sup>3</sup> The affairs of the corporation must be managed by an executive director appointed by a board of directors. As with all other boards, commissions or entities created pursuant to law, applicable public records and public meeting requirements apply.<sup>4</sup>

The purpose and objective of the Foundation is to:

- Operate exclusively for charitable, scientific, and educational purposes;
- Protect and improve the health and well-being of Florida's people and environment through partnerships committed to program innovation, education, applied research, and policy development; and,
- Engage in charitable programs dedicated to improving the health of Floridians.<sup>5</sup>

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<sup>1</sup> Florida Department of State, Division of Corporations. *Florida Public Health Foundation, Inc.* Available at: [http://sunbiz.org/scripts/cordet.exe?action=DETFIL&ing\\_doc\\_number=N01000001049&ing\\_came\\_from=NAMFWD&or\\_web\\_names\\_seq\\_number=0000&names\\_name\\_ind=N&names\\_cor\\_number=&names\\_name\\_seq=&names\\_name\\_ind=&names\\_comp\\_name=FLORIDAPUBLICHEALTHFOUNDATION&names\\_filing\\_type=](http://sunbiz.org/scripts/cordet.exe?action=DETFIL&ing_doc_number=N01000001049&ing_came_from=NAMFWD&or_web_names_seq_number=0000&names_name_ind=N&names_cor_number=&names_name_seq=&names_name_ind=&names_comp_name=FLORIDAPUBLICHEALTHFOUNDATION&names_filing_type=) (last viewed March 13, 2009).

<sup>2</sup> Chapter 2004-2, L.O.F.

<sup>3</sup> Chapter 381.98(2), F.S.

<sup>4</sup> Article I, Section 24, Florida Constitution.

<sup>5</sup> Section 381.98(3), F.S.

The Foundation's mandate is to strive to complement, supplement, and enhance the missions of the various organizations, entities, and departments represented on its 24-member board by serving as the lead corporation in the state for promoting public health awareness.<sup>6</sup> Currently, the Foundation's board consists of the following directors:

- The State Surgeon General or his or her designee;
- A former member of the Senate in addition to a former member of the House of Representatives appointed by their respective presiding officers;
- A representative of the American Heart Association;
- A representative of the American Cancer Society, Florida Division, Inc.;
- A representative of the American Lung Association of Florida;
- A representative of the American Diabetes Association, South Coastal Region;
- A representative of the Alzheimer's Association;
- A representative of the Epilepsy Foundation;
- A representative of the National Parkinson Foundation;
- A representative of the March of Dimes, Florida Chapter;
- A representative of the Arthritis Foundation, Florida Chapter;
- A representative of the American Liver Foundation;
- A representative of the Florida Council for Behavioral Healthcare, Inc.;
- A representative of the Florida Alcohol and Drug Abuse Association;
- A representative of Pharmaceutical Research and Manufacturers of America;
- A representative of the Florida Public Health Association;
- A representative of the Florida Association of County Health Officers;
- A public health academician selected by the State Health Officer;
- A representative of the Florida Academy of Family Physicians;
- Three consumers who have demonstrated an interest in protecting the public health appointed by the Florida Public Health Association; and,
- A representative of the Florida Association of Health Plans.

Under current law, the Foundation, in consultation with the department and the Florida Center for Universal Research to Eradicate Disease, must facilitate communication between biomedical researchers and health care providers each month according to the health awareness schedule established by the corporation, in order to ensure ongoing dialogue between researchers, treatment providers, and the department. In addition, the Foundation:

- May provide personnel to the department for the purpose of performing duties and responsibilities outlined in private and public grants received by the department;<sup>7</sup>
- Along with the department, must enter into partnerships with providers of continuing education for health practitioners, to include, hospitals and state and local medical organizations, to ensure that practitioners are aware of the most recent and complete diagnostic and treatment tools; and,<sup>8</sup>
- Must provide an annual report concerning its activities and finances to the Florida Center for Universal Research to Eradicate Disease, the Governor, the President of the Senate, and the Speaker of the House of Representatives.

The Florida Public Health Foundation voluntarily dissolved on July 1, 2008, and merged with the Florida Public Health Institute in 2008.

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<sup>6</sup> Section 381.98(5), F.S.

<sup>7</sup> Section 381.98(10), F.S.

<sup>8</sup> Section 381.98(9), F.S.

## Florida Public Health Institute

What is now the Florida Public Health Institute (“Institute”) filed for incorporation in 2001 as the Public Health Institute of the Miami-Dade County Health Department, located in Miami.<sup>9</sup> According to the records of incorporation, the Institute was to be governed by a five member board of directors.<sup>10</sup> In 2006, the Institute was renamed as the Florida Public Health Institute.<sup>11</sup>

Today, the Institute is located on the 134-acre A.G. Holley State Hospital campus in Lantana, Florida, and has a board of directors that consists of 15 members.<sup>12</sup> The Institute’s mission is to advance the knowledge and practice of public health to promote, protect, and improve the health of all.<sup>13</sup> Further, the Institute serves as a partnership of academic, public health, and community resources to promote improvements in health. The Institute advocates health initiatives by the use of basic and applied research to solve health related problems through collaboration and an increased use of academic resources. The goals of the Institute include:<sup>14</sup>

- Improvement in the quality of and access to primary and preventative care for individuals and communities;
- Protection of health, the economy and the environment in times of emergency and disaster;
- Continued increase in both the quality and quantity of Florida’s health care and public health professional workforce; and,
- Enhancement in the effective delivery of public health services.

The Florida Public Health Institute has established the following Centers of Excellence:<sup>15</sup>

- *Center for Bio-Preparedness* promotes innovative programs in bio preparedness, develop pandemic influenza planning and health promotion activities, and explore the use of computer modeling in disaster preparedness;
- *Center for Workforce Development* assesses health and public health workforce needs, and develop recruitment and retention strategies;
- *Center for Preventative and Primary Care* increases access to care, promote federally qualified health centers, increase knowledge of Medicaid/State Children’s Health Insurance Program policies, promote the use of electronic medical records, and promote preventive training in graduate medical education; and,
- *Center for Education, Research and Training* promotes collaborations between public health and academia; improve the translation of research to policy to practice, engage a statewide research university consortium, and support development of Palm Beach County Masters of Public Health programs.

## Funding

The Institute receives funding from the National Network of Public Health Institutes, Palm Healthcare Foundation, Community Foundation for Palm Beach and Martin Counties, Miller School of Medicine at the University of Miami, and the Quantum Foundation.<sup>16</sup> In 2007, the Quantum Foundation awarded roughly \$1 million; the money will be used to pay salaries for three years for four main employees:

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<sup>9</sup> Florida Department of State, Division of Corporations. *Florida Public Health Institute, Inc.* Available at: [http://sunbiz.org/scripts/cordet.exe?action=DETFIL&ing\\_doc\\_number=N01000006517&ing\\_came\\_from=NAMFWD&or\\_web\\_names\\_seq\\_number=0001&names\\_name\\_ind=N&names\\_cor\\_number=&names\\_name\\_seq=&names\\_name\\_ind=&names\\_comp\\_name=FLORIDAPUBLICHEALTHINSTITUTE&names\\_filing\\_type=](http://sunbiz.org/scripts/cordet.exe?action=DETFIL&ing_doc_number=N01000006517&ing_came_from=NAMFWD&or_web_names_seq_number=0001&names_name_ind=N&names_cor_number=&names_name_seq=&names_name_ind=&names_comp_name=FLORIDAPUBLICHEALTHINSTITUTE&names_filing_type=) (last viewed March 13, 2009).

<sup>10</sup> *Ibid.*

<sup>11</sup> *Ibid.*

<sup>12</sup> The Florida Public Health Institute. Available online at: <http://www.flphi.org/> (last viewed March 13, 2009).

<sup>13</sup> The Florida Public Health Institute, Brochure: Background & Goals. Available online at: <http://www.flphi.org/Brochure/tabid/59/Default.aspx> (last viewed March 13, 2009).

<sup>14</sup> *Ibid.*

<sup>15</sup> The Florida Public Health Institute. Available online at: <http://www.flphi.org/> (last viewed March 13, 2009).

<sup>16</sup> The Florida Public Health Institute, Funders. (2008) Available online: <http://www.flphi.org/Funders/tabid/58/Default.aspx> (last viewed March 12, 2009).

Executive Director Dr. Earl Fox, a deputy, a consultant and an administrative assistant.<sup>17</sup> The Institute also has received \$100,000 from the National Network of Public Health Institutes over two years, and another \$100,000 in matching money from the Brumbach Fund in Palm Beach County. The University of Miami's medical school is giving \$100,000.<sup>18</sup> In January, 2008, Palm Healthcare Foundation awarded the Florida Public Health Institute a three year grant for \$81,664 for a project titled "Quantify the Public Health Nursing Workforce."<sup>19</sup>

## Effects of the Bill

Generally, the bill amends s. 381.89, F.S., to revise the duties, responsibilities, establishment of the board of directors, board membership and reporting requirements of the Florida Public Health Foundation and formally transfers the duties and responsibilities of the Foundation to the Florida Public Health Institute, Inc.

Specifically, the bill:

- Changes the name of the Florida Public Health Foundation, Inc., to the Florida Public Health Institute, Inc.;
- Modifies the purpose of the Institute by deleting the requirements of disseminating breakthrough findings in biomedical research and providing services to the department;
- Deletes the mission statement for the Institute;
- Revises the membership of the board of directors to add: a representative of the Florida Public Health Association; three representatives of local health departments where at least one representative is from the southern, central, and northern geographic areas of the state; representatives from institutions of higher learning; and representatives of the private health care provider sector, industry or business groups, or philanthropic foundations; and deletes all other organizations represented on the board except the State Surgeon General or his/her designee;
- Provides that the majority of board members may not be state employees;
- Provides that the board of directors shall be elected in accordance with the bylaws of the corporation;
- Deletes the 2-year terms limit for board members;
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## B. SECTION DIRECTORY:

Section 1. Amends s. 381.98, F.S., relating to the Florida Public Health Foundation to conform changing the name of the Foundation to the Institute; modifies purpose; deletes mission; revises

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<sup>17</sup> The Florida Public Health Institute, News & Press: *Quantum Foundation will give \$1 million for Public Health Institute in Palm Beach County.* (June 19, 2007) Available online: <http://www.flphi.org/NewsPress/Quantum1mmGrantPressRelease/tabid/71/Default.aspx> (last viewed March 12, 2009).

<sup>18</sup> *Ibid.*

<sup>19</sup> The Florida Public Health Institute, News & Press: *Quantification and "Best Practices" for the public health nursing workforce.* (January 2008) Available online: <http://www.flphi.org/NewsPress/PublicHealthNursingWorkforce/tabid/70/Default.aspx> (last viewed March 12, 2009).

membership of the board of directors and provides for their election; and, modifies reporting requirements and report recipients.

Section 2. Amends s. 381.855, F.S., relating to the Florida Center for Universal Research to Eradicate Disease to conform changing the name of the Foundation to the Institute.

Section 3. Amends s. 381.911, F.S., relating to Prostate Cancer Awareness Program to conform changing the name of the Foundation to the Institute.

Section 4. Amends s. 381.981, F.S., relating to health awareness campaigns to conform changing the name of the Foundation to the Institute.

Section 5. Provides an effective date of July 1, 2009.

## **II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

### **A. FISCAL IMPACT ON STATE GOVERNMENT:**

1. Revenues:

Not applicable.

2. Expenditures:

The Department of Health reports that there is no fiscal impact on the department.

### **B. FISCAL IMPACT ON LOCAL GOVERNMENTS:**

1. Revenues:

Not applicable.

2. Expenditures:

Not applicable.

### **C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:**

None identified.

### **D. FISCAL COMMENTS:**

The bill deletes current law requiring organizations represented on the Institute's board to cover their representatives' expenses, and deletes current law prohibiting board members from receiving compensation. It is unclear whether, how, or by who each representative on the board of directors, which includes four state employees, is to cover expenses, i.e., travel and per diem to board meetings.

## **III. COMMENTS**

### **A. CONSTITUTIONAL ISSUES:**

1. Applicability of Municipality/County Mandates Provision:

Not applicable. This bill does not appear to: require counties or municipalities to spend funds or take an action requiring the expenditure of funds; reduce the authority that counties or municipalities have to raise revenues in the aggregate; or reduce the percentage of a state tax sharing with counties or municipalities.

2. Other:

None.

**B. RULE-MAKING AUTHORITY:**

Not applicable.

**C. DRAFTING ISSUES OR OTHER COMMENTS:**

Although the bill deletes the duties and responsibilities for the Institute relating to disseminating information regarding biomedical research, the bill continues the Institute's purpose of advancing knowledge of public health and promoting health awareness in Florida. Currently, the Institute is engaged in biomedical research and education. Therefore to accomplish the Institute's purpose, it maintains its membership on the Florida Center for Universal Research to Eradicate Disease advisory council that requires representation from a Florida not-for-profit institution engaged in basic and clinical biomedical research and education.

**IV. AMENDMENTS/COUNCIL OR COMMITTEE SUBSTITUTE CHANGES**

None.