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1 A bill to be entitled
2 An act relating to public health; amending ss.
3 381.855, 381.911, and 381.912, F.S.; conforming
4 terminology to changes made by the act; amending s.
5 381.98, F.S.; changing the name of the Florida Public
6 Health Foundation, Inc., to the Florida Public Health
7 Institute, Inc.; modifying the purpose of the
8 institute; deleting the mission of the institute;
9 revising the membership of the board of directors and
10 the term of membership; deleting the duties of the
11 institute to facilitate communication between
12 biomedical researchers and health care providers, to
13 provide an annual report of its finances, and to
14 provide an annual report of its activities to the
15 Governor and the Florida Center for Universal Research
16 to Eradicate Disease; amending s. 381.981, F.S.;
17 conforming terminology to changes made by the act;
18 amending s. 499.01, F.S.; revising the criteria for
19 health care clinic establishment permits; providing an
20 effective date.

21
22 Be It Enacted by the Legislature of the State of Florida:

23
24 Section 1. Paragraph (a) of subsection (5) of section
25 381.855, Florida Statutes, is amended to read:

26 381.855 Florida Center for Universal Research to Eradicate
27 Disease.—

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

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30 (a) The council shall consist of one representative from a
31 Florida not-for-profit institution engaged in basic and clinical
32 biomedical research and education which receives more than \$10
33 million in annual grant funding from the National Institutes of
34 Health, to be appointed by the State Surgeon General from a
35 different institution each term, and one representative from and
36 appointed by each of the following entities:

- 37 1. Enterprise Florida, Inc.
- 38 2. BioFlorida.
- 39 3. The Biomedical Research Advisory Council.
- 40 4. The Florida Medical Foundation.
- 41 5. Pharmaceutical Research and Manufacturers of America.
- 42 6. The Florida Cancer Council.
- 43 7. The American Cancer Society, Florida Division, Inc.
- 44 8. The American Heart Association.
- 45 9. The American Lung Association of Florida.
- 46 10. The American Diabetes Association, South Coastal
47 Region.
- 48 11. The Alzheimer's Association.
- 49 12. The Epilepsy Foundation.
- 50 13. The National Parkinson Foundation.
- 51 14. The Florida Public Health Institute ~~Foundation~~, Inc.
- 52 15. The Florida Research Consortium.

53 Section 2. Subsections (2), (3), and (4) of section
54 381.911, Florida Statutes, are amended to read:

55 381.911 Prostate Cancer Awareness Program.—

56 (2) For purposes of implementing the program, the
57 Department of Health and the Florida Public Health Institute
58 ~~Foundation~~, Inc., may:

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

61 (b) Seek any available gifts, grants, or funds from the
62 state, the Federal Government, philanthropic foundations, and
63 industry or business groups.

64 (3) A prostate cancer advisory committee is created to
65 advise and assist the Department of Health and the Florida
66 Public Health Institute ~~Foundation~~, Inc., in implementing the
67 program.

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

70 1. Three persons from prostate cancer survivor groups or
71 cancer-related advocacy groups.

72 2. Three persons who are scientists or clinicians from
73 public universities or research organizations.

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

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

81 (4) The program shall coordinate its efforts with those of
82 the Florida Public Health Institute ~~Foundation~~, Inc.

83 Section 3. Subsection (1) and paragraph (d) of subsection
84 (2) of section 381.912, Florida Statutes, are amended to read:

85 381.912 Cervical Cancer Elimination Task Force.—

86 (1) Effective July 1, 2004, the Cervical Cancer Elimination
87 Task Force is established for the purpose of recommending

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88 strategies and actions to reduce the costs and burdens of
89 cervical cancer in Florida. The task force shall present interim
90 reports to the Florida Public Health Institute ~~Foundation~~, Inc.,
91 the Florida Cancer Council, the Center for Universal Research to
92 Eradicate Disease, the Governor, the President of the Senate,
93 and the Speaker of the House of Representatives on January 1,
94 2006, and July 1, 2007, with a final report due on June 30,
95 2008. After submitting its final report on or before June 30,
96 2008, the task force is dissolved.

97 (2) The task force shall:

98 (d) Provide recommendations to the Florida Public Health
99 Institute ~~Foundation~~, Inc., on public awareness issues relating
100 to cervical cancer, such as the causes, personal risk factors,
101 value of prevention, available vaccines, early detection
102 options, treatment costs, new technology, and education for
103 health care practitioners.

104 Section 4. Section 381.98, Florida Statutes, is amended to
105 read:

106 381.98 The Florida Public Health Institute ~~Foundation~~,
107 Inc.; establishment; purpose; ~~mission~~; duties; board of
108 directors.—

109 (1) The Florida Public Health Institute ~~Foundation~~, Inc.,
110 referred to in this section as "the corporation," is established
111 for the purpose of advancing the knowledge and practice of
112 public health, including disseminating breakthrough findings in
113 ~~biomedical research and promoting health awareness in this state~~
114 ~~and providing services to the Department of Health.~~

115 ~~(2) The corporation's mission includes disseminating~~
116 ~~information about innovative biomedical research and clinical~~

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117 ~~trials in this state as well as making Floridians and their~~
118 ~~treatment providers aware of specified diseases and conditions~~
119 ~~and available methods of preventing, diagnosing, treating, and~~
120 ~~curing those diseases and conditions.~~

121 (2)~~(3)~~ The purpose and objective of the corporation shall
122 be to operate exclusively for charitable, scientific, and
123 educational purposes; to protect and improve the health and
124 well-being of Florida's people and environment through
125 partnerships committed to program innovation, education, applied
126 research, and policy development; and to engage in charitable
127 programs dedicated to improving the health of Floridians.

128 (3)~~(4)~~ The corporation shall be established as a not-for-
129 profit entity qualifying under s. 501(c)(3) of the Internal
130 Revenue Code. The corporation may receive, hold, invest, and
131 administer property and any moneys acquired from private, local,
132 state, and federal sources, as well as technical and
133 professional income generated or derived from the mission-
134 related activities of the corporation. The corporation shall
135 have all of the powers conferred upon corporations organized
136 under chapter 617.

137 (4)~~(5)~~ The corporation's duties include procuring funds
138 necessary for accomplishing the purpose and mission of the
139 corporation. The corporation shall strive to complement,
140 supplement, and enhance the missions of the various
141 organizations, entities, and departments ~~represented on its~~
142 ~~board by~~ serving as the lead corporation in the state for
143 promoting public health awareness.

144 (5)~~(6)~~ The affairs of the corporation shall be managed by
145 an executive director appointed by a board of directors.

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146 ~~consisting of:~~

147 (6) The board of directors shall be elected in accordance
 148 with the bylaws of the corporation and shall include, but not be
 149 limited to, the following persons:

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

151 (b) A representative of the Florida Public Health
 152 Association ~~former member of the Senate appointed by the~~
 153 ~~President of the Senate.~~

154 (c) Representatives of local health departments in the
 155 state, with at least one representative from the southern,
 156 central, and northern areas of the state ~~A former member of the~~
 157 ~~House of Representatives appointed by the Speaker of the House~~
 158 ~~of Representatives.~~

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

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

164
 165 The majority of the board may not be employed by the state.

166 ~~(f) A representative of the American Lung Association of~~
 167 ~~Florida.~~

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

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

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

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

173 ~~(k) A representative of the March of Dimes, Florida~~

174 ~~Chapter.~~

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175 ~~(l) A representative of the Arthritis Foundation, Florida~~
176 ~~Chapter.~~

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

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

180 ~~(o) A representative of the Florida Alcohol and Drug Abuse~~
181 ~~Association.~~

182 ~~(p) A representative of Pharmaceutical Research and~~
183 ~~Manufacturers of America.~~

184 ~~(q) A representative of the Florida Public Health~~
185 ~~Association.~~

186 ~~(r) A representative of the Florida Association of County~~
187 ~~Health Officers.~~

188 ~~(s) A public health academician selected by the State~~
189 ~~Health Officer.~~

190 ~~(t) A representative of the Florida Academy of Family~~
191 ~~Physicians.~~

192 ~~(u) Three consumers who have demonstrated an interest in~~
193 ~~protecting the public health appointed by the Florida Public~~
194 ~~Health Association.~~

195 ~~(v) A representative of the Florida Association of Health~~
196 ~~Plans.~~

197 (7) Members of the board of directors shall serve for 4-
198 year ~~2-year~~ terms and shall serve without compensation. Each
199 organization represented on the board of directors shall cover
200 the expenses of its representative.

201 ~~(8) The corporation, in consultation with the Department of~~
202 ~~Health and the Florida Center for Universal Research to~~
203 ~~Eradicate Disease, shall facilitate communication between~~

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204 ~~biomedical researchers and health care providers each month~~
205 ~~according to the health awareness schedule established by the~~
206 ~~Florida Public Health Foundation, Inc., in order to ensure~~
207 ~~ongoing dialogue between researchers, treatment providers, and~~
208 ~~the department.~~

209 (8)~~(9)~~ The corporation and the Department of Health shall
210 enter into partnerships with providers of continuing education
211 for health care practitioners, including, but not limited to,
212 hospitals and state and local medical organizations, to ensure
213 that practitioners are aware of the most recent and complete
214 diagnostic and treatment tools.

215 (9)~~(10)~~ The corporation may provide personnel to the
216 Department of Health for the purpose of performing duties and
217 responsibilities outlined in private and public grants received
218 by the Department of Health. These personnel are not state
219 employees and are not entitled to retirement credit and other
220 benefits provided to state employees under chapters 110 and 112.
221 These personnel shall perform services pursuant to an agreement
222 between the corporation and the Department of Health.

223 (10)~~(11)~~ The corporation may purchase goods, services, and
224 property for use by the Department of Health. These purchases
225 are not subject to the provisions of chapters 253, 255, and 287,
226 nor to the control or direction of the Department of
227 Environmental Protection or the Department of Management
228 Services.

229 (11)~~(12)~~ The corporation shall provide an annual report
230 concerning its activities ~~and finances~~ to the ~~Florida Center for~~
231 ~~Universal Research to Eradicate Disease~~ and shall provide copies
232 ~~of the annual report to the Governor, the President of the~~

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233 Senate, and the Speaker of the House of Representatives.

234 Section 5. Section 381.981, Florida Statutes, is amended to
235 read:

236 381.981 Health awareness campaigns.—

237 (1) The Florida Public Health Institute ~~Foundation~~, Inc.,
238 in consultation with the Department of Health, shall coordinate
239 monthly health awareness campaigns with national, state, and
240 local health care organizations and government entities
241 targeting a wide range of the public, including: parents;
242 teachers and other school employees; students in 4th through
243 12th grades, colleges, and universities; state agency employees;
244 county and local government employees; patients of county health
245 departments; Medicaid recipients; health care professionals and
246 providers; and the public in general.

247 (2) The awareness campaigns shall include the provision of
248 educational information about preventing, detecting, treating,
249 and curing the following diseases or conditions. Additional
250 diseases and conditions that impact the public health may be
251 added by the board of directors of the Florida Public Health
252 Institute ~~Foundation~~, Inc.; however, each of the following
253 diseases or conditions must be included in an awareness campaign
254 during at least 1 month in any 24-month period:

255 (a) Cancer, including breast, prostate, cervical, ovarian,
256 colorectal, and skin cancer and leukemia.

257 (b) Heart disease.

258 (c) Stroke.

259 (d) Lung disease, including asthma and smoking-relating
260 disease.

261 (e) Neurological disorders and disease, including

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262 Alzheimer's disease, Parkinson's disease, and epilepsy.
263 (f) Gastrointestinal disease.
264 (g) Kidney disease.
265 (h) Diabetes.
266 (i) Liver disease.
267 (j) Autoimmune disorders.
268 (k) Birth defects and prenatal care.
269 (l) Obesity and malnutrition.
270 (m) Sexually transmissible disease.
271 (n) Hepatitis A, hepatitis B, and hepatitis C.
272 (o) Arthritis.
273 (p) Vaccine-preventable diseases.
274 (q) Infectious diseases, including HIV/AIDS.
275 (r) Substance abuse.
276 (s) Mental illness.
277 (t) Lupus.
278 (u) Osteoporosis.
279 (3) The health awareness campaigns shall be funded by the
280 Florida Public Health Institute ~~Foundation~~, Inc., and the
281 Department of Health to the extent that funds are available from
282 public and private sources.
283 (4) Health awareness information shall be disseminated
284 through all available methods, including print, audio, visual,
285 and electronic media.
286 Section 6. Paragraph (t) of subsection (2) of section
287 499.01, Florida Statutes, is amended to read:
288 499.01 Permits.—
289 (2) The following permits are established:
290 (t) *Health care clinic establishment permit*.—Effective

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291 January 1, 2009, a health care clinic establishment permit is
292 required for the purchase of a prescription drug by a place of
293 business at one general physical location owned and operated by
294 a professional corporation or professional limited liability
295 company described in chapter 621, or a corporation that employs
296 a veterinarian as a qualifying practitioner. For the purpose of
297 this paragraph, the term "qualifying practitioner" means a
298 licensed health care practitioner defined in s. 456.001 or a
299 veterinarian licensed under chapter 474, who is authorized under
300 the appropriate practice act to prescribe and administer a
301 prescription drug.

302 1. An establishment must provide, as part of the
303 application required under s. 499.012, designation of a
304 qualifying practitioner who will be responsible for complying
305 with all legal and regulatory requirements related to the
306 purchase, recordkeeping, storage, and handling of the
307 prescription drugs. In addition, the designated qualifying
308 practitioner shall be the practitioner whose name, establishment
309 address, and license number is used on all distribution
310 documents for prescription drugs purchased or returned by the
311 health care clinic establishment. Upon initial appointment of a
312 qualifying practitioner, the qualifying practitioner and the
313 health care clinic establishment shall notify the department on
314 a form furnished by the department within 10 days after such
315 employment. In addition, the qualifying practitioner and health
316 care clinic establishment shall notify the department within 10
317 days after any subsequent change.

318 2. The health care clinic establishment must employ a
319 qualifying practitioner at each establishment.

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320 3. In addition to the remedies and penalties provided in
321 this part, a violation of this chapter by the health care clinic
322 establishment or qualifying practitioner constitutes grounds for
323 discipline of the qualifying practitioner by the appropriate
324 regulatory board.

325 4. The purchase of prescription drugs by the health care
326 clinic establishment is prohibited during any period of time
327 when the establishment does not comply with this paragraph.

328 5. A health care clinic establishment permit is not a
329 pharmacy permit or otherwise subject to chapter 465. A health
330 care clinic establishment that meets the criteria of a modified
331 Class II institutional pharmacy under s. 465.019 is not eligible
332 to be permitted under this paragraph.

333 6. A business entity governed by s. 466.0285 may pay for
334 prescription drugs obtained by a practitioner licensed under
335 chapter 466, and the licensed practitioner is deemed the
336 purchaser and owner of the prescription drugs.

337 ~~7.6.~~ This paragraph does not prohibit a qualifying
338 practitioner from purchasing prescription drugs.

339 Section 7. This act shall take effect upon becoming a law.