

By Senator Aronberg

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1 A bill to be entitled
2 An act relating to health care; amending s. 20.43,
3 F.S.; establishing the Office of Public Health
4 Nutrition within the Department of Health; amending
5 ss. 20.435, 154.503, and 215.5602, F.S.; conforming
6 cross-references; repealing s. 381.0053, F.S.,
7 relating to the comprehensive nutrition program;
8 repealing s. 381.0054, F.S., relating to the promotion
9 of healthy lifestyles; repealing ss. 381.732 and
10 381.733, F.S., relating to the Healthy Communities,
11 Healthy People Act; repealing s. 381.734, F.S.,
12 relating to the Healthy Communities, Healthy People
13 Program; repealing s. 381.912, F.S., relating to the
14 Cervical Cancer Elimination Task Force; repealing s.
15 385.103, F.S., relating to community intervention
16 programs; renumbering s. 381.91, F.S., relating to the
17 Jessie Trice Cancer Prevention Program; renumbering
18 and amending s. 381.911, F.S., relating to the
19 Prostate Cancer Awareness Program; revising the
20 criteria for members of the prostate cancer advisory
21 committee; renumbering s. 381.92, F.S., relating to
22 the Florida Cancer Council; renumbering s. 381.921,
23 F.S., relating to the mission and duties of the
24 Florida Cancer Council; renumbering and amending s.
25 381.922, F.S., relating to the William G. "Bill"
26 Bankhead, Jr., and David Coley Cancer Research
27 Program; conforming cross-references; renumbering s.
28 381.93, F.S., relating to a breast and cervical cancer
29 early detection program; renumbering and amending s.

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30 381.931, F.S., relating to an annual report on
31 Medicaid expenditures; removing a provision limiting
32 the number of breast and cervical cancer screenings
33 based on projected Medicaid expenditures; renumbering
34 s. 381.932, F.S., relating to the breast cancer early
35 detection and treatment referral program; renaming ch.
36 385, F.S., as the "Healthy and Fit Florida Act";
37 amending s. 385.101, F.S.; revising the short title;
38 amending s. 385.102, F.S.; revising legislative intent
39 with regard to chronic diseases and health promotion;
40 creating s. 385.1021, F.S.; providing definitions;
41 creating s. 385.1022, F.S.; requiring the Department
42 of Health to support the creation of public health
43 programs at the state and community levels to reduce
44 the incidence of mortality and morbidity from chronic
45 diseases; authorizing the department to advance funds
46 for program startup and contracted services under
47 certain conditions; creating s. 385.1023, F.S.;
48 requiring the department to create state-level
49 programs to address the preventable risk factors
50 associated with chronic diseases; requiring the
51 program to perform certain activities; requiring a
52 biennial report to the Governor and Legislature;
53 creating s. 385.1035, F.S.; providing for community-
54 level programs for the prevention of chronic diseases
55 and the promotion of health; requiring the department
56 to develop and implement a community-level chronic
57 disease prevention and health promotion program;
58 providing the purpose of the program; providing

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59 requirements for the program; creating s. 385.104,
60 F.S.; creating the State Employee Wellness Interagency
61 Council; providing for purpose, membership, and duties
62 of the council; creating s. 385.105, F.S.; requiring
63 the department to develop programs to promote physical
64 fitness, healthy lifestyles, and weight control;
65 requiring the Office of Public Health Nutrition to
66 promote optimal nutritional status in the state's
67 population; requiring the department to promote
68 personal responsibility and regular health visits;
69 authorizing state agencies to conduct employee
70 wellness programs; requiring the department to serve
71 as a model for the development and implementation of
72 wellness programs; requiring the department to assist
73 state agencies in developing and implementing wellness
74 programs; providing equal access to the programs by
75 agency employees; requiring the department to
76 coordinate efforts with the Department of Management
77 Services and other state agencies; authorizing each
78 state agency to establish an employee wellness
79 workgroup to design the agency's wellness program;
80 requiring the department to adopt rules to provide
81 requirements for participation fees, collaboration
82 with businesses, and procurement of equipment and
83 incentives; amending s. 385.202, F.S.; requiring
84 licensed laboratories and practitioners to report
85 certain information to the department; authorizing the
86 department to adopt rules regarding reporting
87 requirements for the statewide cancer registry;

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88 removing a provision that provides for registration or
89 licensure suspension or revocation for failure to
90 comply with such requirements; providing immunity from
91 liability for facilities, laboratories, and
92 practitioners reporting certain information;
93 authorizing the department to adopt rules regarding
94 the establishment and operation of a statewide cancer
95 registry program; permitting the department or
96 contractual designee operating the statewide cancer
97 registry program to use or publish information
98 contained in the registry for the purpose of public
99 health surveillance under certain circumstances;
100 authorizing the department to exchange personal data
101 with an agency or contractual designee for the purpose
102 of public health surveillance under certain
103 circumstances; authorizing additional uses for funds
104 appropriated for the program; clarifying that the
105 department may adopt rules regarding the
106 classifications of facilities, laboratories, and
107 practitioners related to reports made to the statewide
108 cancer registry; removing an exemption from reporting
109 requirements for certain facilities; requiring each
110 facility, laboratory, and practitioner that reports
111 cancer cases to the department to make their records
112 available for onsite review; amending s. 385.203,
113 F.S.; increasing the membership of the Diabetes
114 Advisory Council; amending s. 385.206, F.S.; renaming
115 the "Hematology-oncology care center program" as the
116 "Pediatric Hematology-oncology Center Program";

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117 revising the definition of the term "patient";
118 authorizing the department to designate centers and
119 provide funding to maintain programs for the care of
120 patients with hematologic and oncologic disorders;
121 providing requirements for contracts that provide
122 funding for the program; deleting a requirement for
123 the establishment of district programs and annual
124 review thereof; revising procedure for evaluation of
125 services provided by the centers; requiring data from
126 the centers and other sources relating to pediatric
127 cancer to be available to the department for program
128 planning and quality assurance initiatives; amending
129 s. 385.207, F.S.; revising provisions that require the
130 department to collect information regarding the number
131 of clients served, outcomes reached, expenses
132 incurred, and fees collected by providers of epilepsy
133 services; deleting a provision that requires the
134 department to limit administrative expenses from the
135 Epilepsy Services Trust Fund to a certain percentage
136 of annual receipts; amending s. 385.210, F.S.;
137 revising legislative findings regarding the economic
138 costs of treating arthritis and its complications;
139 authorizing the State Surgeon General to seek any
140 federal waivers necessary to maximize funds from the
141 Federal Government to implement an arthritis
142 prevention and education program; creating s. 385.301,
143 F.S.; authorizing the department to adopt rules to
144 administer ch. 385, F.S.; creating s. 385.401, F.S.;
145 authorizing the department, with the approval of the

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146 State Surgeon General, to establish a direct-support
147 organization; specifying duties; providing for
148 appointment and terms of members of the board of
149 directors; providing for the use of department and
150 county health department property and facilities by
151 the direct-support organization under certain
152 conditions; requiring the direct-support organization
153 to comply with directives and requirements established
154 by funding sources; requiring the direct-support
155 organization to submit certain forms to the department
156 and reports to the Governor and Legislature; requiring
157 an annual audit; amending s. 409.904, F.S.; conforming
158 a cross-reference; providing an effective date.

159
160 WHEREAS, chronic diseases account for 70 percent of all
161 deaths in the United States, and

162 WHEREAS, heart disease and stroke have remained the first
163 and third leading causes of death in the United States for over
164 seven decades and are responsible for approximately one-third of
165 total deaths each year in this state, and

166 WHEREAS, cancer is the second leading cause of death and is
167 responsible for one in every four deaths in this state, and

168 WHEREAS, lung disease is the fourth leading cause of death
169 and is responsible for one in every six deaths in this state,
170 and

171 WHEREAS, diabetes is the sixth leading cause of death in
172 this state, and

173 WHEREAS, oral disease, specifically dental caries, commonly
174 known as tooth decay, is the single most common chronic disease

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175 in children. Dental caries is the most prevalent chronic disease
176 experienced by children that is not self-limiting or amenable to
177 a short-term course of antibiotics, despite the fact that dental
178 caries is usually preventable, and

179 WHEREAS, arthritis is the leading cause of disability in
180 the United States, limiting the daily activities of more than 19
181 million people across the country and more than 1 million people
182 in this state alone, NOW, THEREFORE,

183
184 Be It Enacted by the Legislature of the State of Florida:

185
186 Section 1. Subsection (10) is added to section 20.43,
187 Florida Statutes, to read:

188 20.43 Department of Health.—There is created a Department
189 of Health.

190 (10) There is established within the Department of Health
191 the Office of Public Health Nutrition.

192 Section 2. Paragraph (a) of subsection (8) of section
193 20.435, Florida Statutes, is amended to read:

194 20.435 Department of Health; trust funds.—The following
195 trust funds shall be administered by the Department of Health:

196 (8) Biomedical Research Trust Fund.

197 (a) Funds to be credited to the trust fund shall consist of
198 funds deposited pursuant to s. 215.5601 and any other funds
199 appropriated by the Legislature. Funds shall be used for the
200 purposes of the James and Esther King Biomedical Research
201 Program and the William G. "Bill" Bankhead, Jr., and David Coley
202 Cancer Research Program as specified in ss. 215.5602, 288.955,
203 and 385.20252 ~~381.922~~. The trust fund is exempt from the service

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204 charges imposed by s. 215.20.

205 Section 3. Paragraph (e) of subsection (2) of section
206 154.503, Florida Statutes, is amended to read:

207 154.503 Primary Care for Children and Families Challenge
208 Grant Program; creation; administration.—

209 (2) The department shall:

210 (e) Coordinate with the primary care program developed
211 pursuant to s. 154.011, the Florida Healthy Kids Corporation
212 program created in s. 624.91, the school health services program
213 created in ss. 381.0056 and 381.0057, ~~the Healthy Communities,~~
214 ~~Healthy People Program created in s. 381.734,~~ and the volunteer
215 health care provider program developed pursuant to s. 766.1115.

216 Section 4. Subsection (11) of section 215.5602, Florida
217 Statutes, is amended to read:

218 215.5602 James and Esther King Biomedical Research
219 Program.—

220 (11) The council shall award grants for cancer research
221 through the William G. "Bill" Bankhead, Jr., and David Coley
222 Cancer Research Program created in s. 385.20252 ~~s. 381.922~~.

223 Section 5. Sections 381.0053, 381.0054, 381.732, 381.733,
224 381.734, 381.912, and 385.103, Florida Statutes, are repealed.

225 Section 6. Section 381.91, Florida Statutes, is renumbered
226 as section 385.2023, Florida Statutes, to read:

227 385.2023 ~~381.91~~ Jessie Trice Cancer Prevention Program.—

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

229 (a) Reduce the rates of illness and death from lung cancer
230 and other cancers and improve the quality of life among low-
231 income African-American and Hispanic populations through
232 increased access to early, effective screening and diagnosis,

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233 education, and treatment programs.

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

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

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

245 (b) Funding may be provided to develop contracts with
246 community health centers and local community faith-based
247 education programs to provide cancer screening, diagnosis,
248 education, and treatment services to low-income populations
249 throughout the state.

250 Section 7. Section 381.911, Florida Statutes, is renumbered
251 as section 385.2024, Florida Statutes, and amended to read:

252 385.2024 ~~381.911~~ Prostate Cancer Awareness Program.—

253 (1) To the extent that funds are specifically made
254 available for this purpose, the Prostate Cancer Awareness
255 Program is established within the Department of Health. The
256 purpose of this program is to implement the recommendations of
257 January 2000 of the Florida Prostate Cancer Task Force to
258 provide for statewide outreach and health education activities
259 to ensure that men are aware of and appropriately seek medical
260 counseling for prostate cancer as an early-detection health care
261 measure.

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262 (2) For purposes of implementing the program, the
263 Department of Health and the Florida Public Health Institute,
264 Inc., may:

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

267 (b) Seek any available gifts, grants, or funds from the
268 state, the Federal Government, philanthropic foundations, and
269 industry or business groups.

270 (3) A prostate cancer advisory committee is created to
271 advise and assist the Department of Health and the Florida
272 Public Health Institute, Inc., in implementing the program.

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

275 1. Three persons from prostate cancer survivor groups or
276 cancer-related advocacy groups.

277 2. Three persons who are scientists or clinicians from
278 public or nonpublic universities or research organizations.

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

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

286 (4) The program shall coordinate its efforts with those of
287 the Florida Public Health Institute, Inc.

288 Section 8. Section 381.92, Florida Statutes, is renumbered
289 as section 385.2025, Florida Statutes, to read:

290 385.2025 ~~381.92~~ Florida Cancer Council.—

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

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

297 (b) The Florida Cancer Council may create not-for-profit
298 corporate subsidiaries to fulfill its mission. The council and
299 its subsidiaries are authorized to receive, hold, invest, and
300 administer property and any moneys acquired from private, local,
301 state, and federal sources, as well as technical and
302 professional income generated or derived from the mission-
303 related activities of the council.

304 (c) The members of the council shall consist of:

305 1. The chair of the Florida Dialogue on Cancer, who shall
306 serve as the chair of the council;

307 2. The State Surgeon General or his or her designee;

308 3. The chief executive officer of the H. Lee Moffitt Cancer
309 Center or his or her designee;

310 4. The director of the University of Florida Shands Cancer
311 Center or his or her designee;

312 5. The chief executive officer of the University of Miami
313 Sylvester Comprehensive Cancer Center or his or her designee;

314 6. The chief executive officer of the Mayo Clinic,
315 Jacksonville, or his or her designee;

316 7. The chief executive officer of the American Cancer
317 Society, Florida Division, Inc., or his or her designee;

318 8. The president of the American Cancer Society, Florida
319 Division, Inc., Board of Directors or his or her designee;

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320 9. The president of the Florida Society of Clinical
321 Oncology or his or her designee;

322 10. The president of the American College of Surgeons,
323 Florida Chapter, or his or her designee;

324 11. The chief executive officer of Enterprise Florida,
325 Inc., or his or her designee;

326 12. Five representatives from cancer programs approved by
327 the American College of Surgeons. Three shall be appointed by
328 the Governor, one shall be appointed by the Speaker of the House
329 of Representatives, and one shall be appointed by the President
330 of the Senate;

331 13. One member of the House of Representatives, to be
332 appointed by the Speaker of the House of Representatives; and

333 14. One member of the Senate, to be appointed by the
334 President of the Senate.

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

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

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

345 (3) The council shall issue an annual report to the Center
346 for Universal Research to Eradicate Disease, the Governor, the
347 Speaker of the House of Representatives, and the President of
348 the Senate by December 15 of each year, with policy and funding

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349 recommendations regarding cancer research capacity in Florida
350 and related issues.

351 Section 9. Section 381.921, Florida Statutes, is renumbered
352 as section 385.20251, Florida Statutes, to read:

353 385.20251 ~~381.921~~ Florida Cancer Council mission and
354 duties.—The council, which shall work in concert with the
355 Florida Center for Universal Research to Eradicate Disease to
356 ensure that the goals of the center are advanced, shall endeavor
357 to dramatically improve cancer research and treatment in this
358 state through:

359 (1) Efforts to significantly expand cancer research
360 capacity in the state by:

361 (a) Identifying ways to attract new research talent and
362 attendant national grant-producing researchers to cancer
363 research facilities in this state;

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

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

370 (d) Encouraging the employment of bioinformatics in order
371 to create a cancer informatics infrastructure that enhances
372 information and resource exchange and integration through
373 researchers working in diverse disciplines, to facilitate the
374 full spectrum of cancer investigations;

375 (e) Facilitating the technical coordination, business
376 development, and support of intellectual property as it relates
377 to the advancement of cancer research; and

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

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

382 (a) Identifying ways to increase adult enrollment in cancer
383 clinical trials;

384 (b) Supporting public and private professional education
385 programs designed to increase the awareness and knowledge about
386 cancer clinical trials;

387 (c) Providing tools to cancer patients and community-based
388 oncologists to aid in the identification of cancer clinical
389 trials available in the state; and

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

393 (3) Efforts to reduce the impact of cancer on disparate
394 groups by:

395 (a) Identifying those cancers that disproportionately
396 impact certain demographic groups; and

397 (b) Building collaborations designed to reduce health
398 disparities as they relate to cancer.

399 Section 10. Section 381.922, Florida Statutes, is
400 renumbered as section 385.20252, Florida Statutes, and amended,
401 to read:

402 385.20252 ~~381.922~~ William G. "Bill" Bankhead, Jr., and
403 David Coley Cancer Research Program.—

404 (1) The William G. "Bill" Bankhead, Jr., and David Coley
405 Cancer Research Program, which may be otherwise cited as the
406 "Bankhead-Coley Program," is created within the Department of

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407 Health. The purpose of the program shall be to advance progress
408 towards cures for cancer through grants awarded through a peer-
409 reviewed, competitive process.

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

412 (a) Emphasis shall be given to the goals enumerated in s.
413 385.20251 ~~s. 381.921~~, as those goals support the advancement of
414 such cures.

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

420 (3) (a) Applications for funding for cancer research may be
421 submitted by any university or established research institute in
422 the state. All qualified investigators in the state, regardless
423 of institutional affiliation, shall have equal access and
424 opportunity to compete for the research funding. Collaborative
425 proposals, including those that advance the program's goals
426 enumerated in subsection (2), may be given preference. Grants
427 shall be awarded by the State Surgeon General, after
428 consultation with the Biomedical Research Advisory Council, on
429 the basis of scientific merit, as determined by an open,
430 competitive peer review process that ensures objectivity,
431 consistency, and high quality. The following types of
432 applications shall be considered for funding:

- 433 1. Investigator-initiated research grants.
- 434 2. Institutional research grants.
- 435 3. Collaborative research grants, including those that

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436 advance the finding of cures through basic or applied research.

437 (b) In order to ensure that all proposals for research
438 funding are appropriate and are evaluated fairly on the basis of
439 scientific merit, the State Surgeon General, in consultation
440 with the council, shall appoint a peer review panel of
441 independent, scientifically qualified individuals to review the
442 scientific content of each proposal and establish its priority
443 score. The priority scores shall be forwarded to the council and
444 must be considered in determining which proposals shall be
445 recommended for funding.

446 (c) The council and the peer review panel shall establish
447 and follow rigorous guidelines for ethical conduct and adhere to
448 a strict policy with regard to conflicts of interest. A member
449 of the council or panel may not participate in any discussion or
450 decision with respect to a research proposal by any firm,
451 entity, or agency with which the member is associated as a
452 member of the governing body or as an employee or with which the
453 member has entered into a contractual arrangement. Meetings of
454 the council and the peer review panels are subject to chapter
455 119, s. 286.011, and s. 24, Art. I of the State Constitution.

456 (4) By December 15 of each year, the Department of Health
457 shall submit to the Governor, the President of the Senate, and
458 the Speaker of the House of Representatives a report indicating
459 progress towards the program's mission and making
460 recommendations that further its purpose.

461 (5) Funds appropriated for the William G. "Bill" Bankhead,
462 Jr., and David Coley Cancer Research Program shall be
463 distributed pursuant to this section to provide grants to
464 researchers seeking cures for cancer and cancer-related

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465 illnesses, with emphasis given to the goals enumerated in s.
 466 385.20251 ~~s. 381.921~~. From the total funds appropriated, an
 467 amount of up to 10 percent may be used for administrative
 468 expenses. In the 2009-2010 fiscal year, 2.5 percent, not to
 469 exceed \$25 million, of the revenue deposited into the Health
 470 Care Trust Fund pursuant to s. 215.5602(12)(a) shall be
 471 transferred to the Biomedical Research Trust Fund within the
 472 Department of Health for the William G. "Bill" Bankhead, Jr.,
 473 and David Coley Cancer Research Program.

474 (6) By June 1, 2009, the Division of Statutory Revision of
 475 the Office of Legislative Services shall certify to the
 476 President of the Senate and the Speaker of the House of
 477 Representatives the language and statutory citation of this
 478 section, which is scheduled to expire January 1, 2011.

479 (7) The Legislature shall review the performance, the
 480 outcomes, and the financial management of the William G. "Bill"
 481 Bankhead, Jr., and David Coley Cancer Research Program during
 482 the 2010 Regular Session of the Legislature and shall determine
 483 the most appropriate funding source and means of funding the
 484 program based on its review.

485 (8) This section expires January 1, 2011, unless reviewed
 486 and reenacted by the Legislature before that date.

487 Section 11. Section 381.93, Florida Statutes, is renumbered
 488 as section 385.20253, Florida Statutes, to read:

489 385.20253 ~~381.93~~ Breast and cervical cancer early detection
 490 program.—This section may be cited as the "Mary Brogan Breast
 491 and Cervical Cancer Early Detection Program Act."

492 (1) It is the intent of the Legislature to reduce the rates
 493 of death due to breast and cervical cancer through early

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494 diagnosis and increased access to early screening, diagnosis,
495 and treatment programs.

496 (2) The Department of Health, using available federal funds
497 and state funds appropriated for that purpose, is authorized to
498 establish the Mary Brogan Breast and Cervical Cancer Screening
499 and Early Detection Program to provide screening, diagnosis,
500 evaluation, treatment, case management, and followup and
501 referral to the Agency for Health Care Administration for
502 coverage of treatment services.

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

508 (4) The department shall limit enrollment in the program to
509 persons with incomes up to and including 200 percent of the
510 federal poverty level. The department shall establish an
511 eligibility process that includes an income-verification process
512 to ensure that persons served under the program meet income
513 guidelines.

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

517 Section 12. Section 381.931, Florida Statutes, is
518 renumbered as section 385.20254, Florida Statutes, and amended
519 to read:

520 385.20254 ~~381.931~~ Annual report on Medicaid expenditures.—
521 The Department of Health and the Agency for Health Care
522 Administration shall monitor the total Medicaid expenditures for

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523 services made under this act. ~~If Medicaid expenditures are~~
524 ~~projected to exceed the amount appropriated by the Legislature,~~
525 ~~the Department of Health shall limit the number of screenings to~~
526 ~~ensure Medicaid expenditures do not exceed the amount~~
527 ~~appropriated.~~ The Department of Health, in cooperation with the
528 Agency for Health Care Administration, shall prepare an annual
529 report that must include the number of women screened; the
530 percentage of positive and negative outcomes; the number of
531 referrals to Medicaid and other providers for treatment
532 services; the estimated number of women who are not screened or
533 not served by Medicaid due to funding limitations, if any; the
534 cost of Medicaid treatment services; and the estimated cost of
535 treatment services for women who were not screened or referred
536 for treatment due to funding limitations. The report shall be
537 submitted to the President of the Senate, the Speaker of the
538 House of Representatives, and the Executive Office of the
539 Governor by March 1 of each year.

540 Section 13. Section 381.932, Florida Statutes, is
541 renumbered as section 385.20255, Florida Statutes, to read:

542 385.20255 ~~381.932~~ Breast cancer early detection and
543 treatment referral program.—

544 (1) For purposes of this section, the term:

545 (a) "Breast cancer screening and referral services" means
546 necessary breast cancer screening and referral services for a
547 procedure intended to treat cancer of the human breast,
548 including, but not limited to, surgery, radiation therapy,
549 chemotherapy, hormonal therapy, and related medical followup
550 services.

551 (b) "Unserved or underserved populations" means women who

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552 are:

553 1. At or below 200 percent of the federal poverty level for
554 individuals;555 2. Without health insurance that covers breast cancer
556 screenings; and

557 3. Nineteen to 64 years of age, inclusive.

558 (2) There is established, within existing or specific
559 appropriations, a breast cancer early detection and treatment
560 referral program within the Department of Health. The purposes
561 of the program are to:562 (a) Promote referrals for the screening, detection, and
563 treatment of breast cancer among unserved or underserved
564 populations.565 (b) Educate the public regarding breast cancer and the
566 benefits of early detection.567 (c) Provide referral services for persons seeking
568 treatment.569 (3) The program shall include, but is not ~~be~~ limited to,
570 the:571 (a) Establishment of a public education and outreach
572 initiative to publicize breast cancer early detection services,
573 the benefits of early detection of breast cancer, and the
574 recommended frequency for receiving screening services,
575 including clinical breast examinations and mammography
576 guidelines established by the United States Preventive Services
577 Task Force.578 (b) Development of professional education programs that
579 include information regarding the benefits of the early
580 detection of breast cancer and the recommended frequency for

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581 receiving a mammogram, as recommended in the most current breast
582 cancer screening guidelines established by the United States
583 Preventive Services Task Force.

584 (c) Establishment of a system to track and monitor all
585 women screened for breast cancer in the program. The system
586 shall include, but is not ~~be~~ limited to, monitoring abnormal
587 screening tests, referring women for treatment when needed, and
588 tracking women to be screened at recommended screening
589 intervals.

590 (4) The State Surgeon General shall submit an annual report
591 to the appropriate substantive committees of the Legislature.
592 The report shall include, but is not ~~be~~ limited to, a
593 description of the rate of breast cancer morbidity and mortality
594 in the state and the extent to which women are participating in
595 breast cancer screening as reported by the Behavioral Risk
596 Factor Surveillance System.

597 Section 14. Chapter 385, Florida Statutes, entitled
598 "Chronic Diseases," is renamed the "Healthy and Fit Florida
599 Act."

600 Section 15. Section 385.101, Florida Statutes, is amended
601 to read:

602 385.101 Short title.—~~This chapter Sections 385.101–385.103~~
603 may be cited as the "Healthy and Fit Florida Chronic Diseases
604 Act."

605 Section 16. Section 385.102, Florida Statutes, is amended
606 to read:

607 385.102 Legislative intent.—It is the finding of the
608 Legislature that:

609 (1) Chronic diseases continue to be the leading cause of

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610 death and disability in the state and the nation exist in high
611 proportions among the people of this state. These Chronic
612 diseases include, but are not limited to, arthritis,
613 cardiovascular disease ~~heart disease, hypertension,~~ diabetes,
614 renal disease, oral diseases, cancer, and ~~chronic obstructive~~
615 lung disease, including chronic obstructive pulmonary disease
616 and asthma. These diseases ~~are often~~ have the same preventable
617 risk factors and interrelated, and they directly and indirectly
618 account for a high rate of death and disability, which results
619 in higher costs to the state's health care system illness.

620 (2) Chronic diseases have a significant impact on quality
621 of life, not only for the individuals who experience the painful
622 symptoms and resulting disabilities, but also for family members
623 and caregivers.

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

626 (4) Chronic diseases and the complications associated with
627 these diseases result in increased medical costs and lost wages.

628 (5)-(2) Advances in medical knowledge and technology assist
629 have assisted in the prevention, detection, and management of
630 chronic diseases. Comprehensive approaches that stress the
631 stresssing application of current medical treatment, continuing
632 research, professional training, ~~and~~ patient education, and
633 state and local policy and environmental changes should be
634 implemented encouraged.

635 (6)-(3) A comprehensive program dealing with the early
636 detection and prevention of chronic diseases is required to make
637 knowledge and therapy available to all people of this state. The
638 mobilization of scientific, medical, and educational resources

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639 and the implementation of state and local policies relating to
640 chronic diseases under one comprehensive law ~~chronic disease act~~
641 will facilitate the prevention, early intervention, and
642 management of chronic ~~and treatment of these~~ diseases and their
643 symptoms. This integration of resources and policy will ~~and~~
644 result in a decline in death and disability ~~illness~~ among the
645 people of this state.

646 (7) The department shall establish, promote, and maintain
647 programs at the state and community levels for chronic disease
648 prevention and health promotion as described in this chapter to
649 the extent that funds are specifically made available for this
650 purpose.

651 Section 17. Section 385.1021, Florida Statutes, is created
652 to read:

653 385.1021 Definitions.—As used in this chapter, the term:

654 (1) "Best and promising practices" means specific
655 activities used to effect change, which may include guidelines
656 developed by organizations, volunteer scientists, and health
657 care professionals who have published medical or scientific
658 articles on topics relating to chronic diseases in a generally
659 available scientific journal that has a rigorous review and
660 approval process.

661 (2) "CDC" means the United States Centers for Disease
662 Control and Prevention.

663 (3) "Chronic disease" means an illness that is prolonged,
664 does not resolve spontaneously, and is rarely cured completely.

665 (4) "Department" means the Department of Health.

666 (5) "Environmental changes" means changes to the economic,
667 social, or physical natural or built environment that encourage

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668 or enable healthy behavior.

669 (6) "Policy change" means altering an informal or formal
670 agreement between the public or private sector to identify
671 values, behaviors, or resource allocation in order to improve
672 health.

673 (7) "Primary prevention" means an intervention that is
674 directed toward healthy populations and focuses on preventing a
675 disease before it occurs.

676 (8) "Risk factor" means a characteristic or condition
677 identified during the course of an epidemiological study of a
678 disease that appears to be statistically associated with a high
679 incidence of that disease.

680 (9) "Secondary prevention" means an intervention that is
681 designed to promote the early detection and management of
682 diseases and reduce the risks experienced by at-risk
683 populations.

684 (10) "System changes" means altering standard activities,
685 protocols, policies, processes, and structures carried out in
686 population-based settings, such as schools, worksites, health
687 care facilities, faith-based organizations, and the overall
688 community, which promote and support new behaviors.

689 (11) "Tertiary prevention" means an intervention that is
690 directed at rehabilitating and minimizing the effects of disease
691 in a chronically ill population.

692 (12) "Wellness program" means a structured program that is
693 designed or approved by the department to offer intervention
694 activities on or off the worksite which help state and local
695 government employees change certain behaviors or adopt healthy
696 lifestyles.

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697 Section 18. Section 385.1022, Florida Statutes, is created
698 to read:

699 385.1022 Chronic disease prevention and health promotion
700 program.—

701 (1) The department shall support the creation of public
702 health programs at the state and community levels to reduce the
703 incidence of mortality and morbidity from chronic diseases for
704 which risk factors can be identified. Such risk factors include,
705 but are not limited to, being overweight or obese, physical
706 inactivity, poor diet and nutrition habits, sun exposure, poor
707 oral hygiene, and other practices that are detrimental to
708 health.

709 (2) For any contracts or grants awarded pursuant to this
710 chapter, the department may make advances in total or
711 periodically for program startup or contracted services to other
712 governmental entities and not-for-profit corporations. The
713 amount advanced may not exceed the expected financial needs of
714 the contractor or recipient during the initial 3 months of the
715 contract. Any agreement that provides for advancements may
716 contain a clause that permits the contractor or recipient to
717 temporarily invest the proceeds, provided that any interest
718 income shall be returned to the agency or applied against the
719 agency's obligation to pay the contract amount.

720 Section 19. Section 385.1023, Florida Statutes, is created
721 to read:

722 385.1023 State-level programs for chronic disease
723 prevention.—

724 (1) The department shall create state-level programs that
725 address preventable chronic disease risk factors, such as being

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726 overweight or obese, physical inactivity, poor diet and
727 nutrition habits, sun exposure, poor oral hygiene, and other
728 practices that are detrimental to health, in order to decrease
729 the incidence of arthritis, cancer, diabetes, heart disease,
730 lung disease, including chronic obstructive pulmonary disease
731 and asthma, stroke, and other chronic diseases.

732 (2) State-level programs shall include, but not be limited
733 to:

734 (a) Monitoring specific causal and behavioral risk factors
735 that affect the health of residents of this state.

736 (b) Analyzing data regarding chronic disease mortality and
737 morbidity to track changes.

738 (c) Promoting public awareness and increasing knowledge
739 concerning the causes of chronic diseases, including the
740 importance of early detection, diagnosis, and appropriate
741 evidence-based prevention, management, and treatment strategies.

742 (d) Disseminating educational materials and information
743 concerning evidence-based results, available services, and
744 pertinent new research findings and prevention strategies to
745 patients, health insurers, health professionals, and the public.

746 (e) Providing technical assistance using educational and
747 training resources and services developed by organizations with
748 the appropriate expertise and knowledge of chronic diseases.

749 (f) Evaluating the quality and accessibility of existing
750 community-based services for persons with chronic diseases.

751 (g) Increasing awareness among state and local officials
752 involved in health and human services, health professionals and
753 providers, and policymakers regarding evidence-based chronic
754 disease prevention, treatment strategies, and benefits for

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755 persons with chronic diseases.

756 (h) Developing a partnership with state and local
757 governments, voluntary health organizations, hospitals, health
758 insurers, universities, medical centers, faith-based
759 organizations, employer groups, private companies, and health
760 care providers to address the issue of chronic diseases in this
761 state.

762 (i) Implementing and coordinating state-level policies in
763 order to reduce the impact of chronic diseases.

764 (j) Providing lasting improvements in the delivery of
765 health care for individuals who have chronic diseases and their
766 families, thus improving their quality of life while also
767 containing health care costs.

768 (3) The department shall prepare a biennial report on the
769 status of chronic diseases, including current data regarding
770 incidences of chronic disease in the state. The report shall be
771 submitted to the Governor, the President of the Senate, and the
772 Speaker of the House of Representatives by March 1 and shall
773 include:

774 (a) An analysis reviewing and forecasting the correlation
775 of chronic diseases and emerging related issues, as determined
776 by the state chronic disease report, to the direct and indirect
777 financial costs to the state, which may include costs relating
778 to health care, lost productivity, and a reduced quality of
779 life.

780 (b) The reporting of health disparities regarding
781 incidences of chronic diseases among different segments of the
782 population.

783 (c) Recommendations supported by the data provided in the

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784 state chronic disease report.

785 Section 20. Section 385.1035, Florida Statutes, is created
786 to read:

787 385.1035 Community-level programs for chronic disease
788 prevention and health promotion.—The department shall develop
789 and implement a comprehensive, community-level program for
790 chronic disease prevention and health promotion. The program
791 shall be designed to reduce major behavioral risk factors
792 associated with chronic diseases by enhancing knowledge, skills,
793 motivation, and opportunities to enable individuals,
794 organizations, health care providers, small businesses, health
795 insurers, and communities to develop and maintain healthy
796 lifestyles. A community-level chronic disease prevention and
797 health promotion program shall include, but not be limited to:

798 (1) The employment of skilled staff who are trained in
799 public health, community health, or school health education to
800 facilitate the operation of the program.

801 (2) A process for soliciting community input into the
802 planning, implementation, and evaluation processes.

803 (3) The use of local and statewide data as a basis for
804 decisionmaking and the development and prioritization of
805 community-based interventions focused on the risk factors
806 associated with chronic diseases.

807 (4) The development and implementation of interventions and
808 activities through community organizations, schools, worksites,
809 faith-based organizations, and health-care settings.

810 (5) The use of evidence-based interventions as well as best
811 and promising practices.

812 (6) The use of policies, systems, and environmental changes

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813 that support healthy behaviors in order to affect large segments
814 of the population and encourage healthy choices.

815 (7) The provision of counseling in nutrition, physical
816 activity, the effects of tobacco use, hypertension, blood
817 pressure control, and diabetes control, and other clinical
818 prevention services.

819 Section 21. Section 385.104, Florida Statutes, is created
820 to read:

821 385.104 State Employee Wellness Interagency Council.-

822 (1) The State Employee Wellness Interagency Council is
823 created within the Department of Health for the purpose of
824 developing policies to enhance the full implementation of
825 employee wellness in state agencies. The council shall operate
826 as a workgroup under the State Surgeon General.

827 (2) The council shall be composed of representatives of no
828 fewer than six agencies, including, but not limited to, the
829 Department of Health, the Department of Revenue, the Department
830 of Education, and the Department of Management Services. The
831 council shall include state agency representatives in leadership
832 positions in the areas of human resources, risk assessment, or
833 existing employee wellness programs. Council members shall be
834 appointed in such a manner as to equitably represent the state
835 agencies on the council. Not more than two members of the
836 council may be from any one state agency.

837 (3) Council members shall be nominated by the agency head
838 and appointed by the State Surgeon General to 4-year terms,
839 except that the initial terms shall be staggered, with three
840 members appointed to 3-year terms and three members appointed to
841 4-year terms.

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842 (4) A member's absence from three consecutive meetings
843 shall result in his or her automatic removal from the council. A
844 vacancy on the council shall be filled for the remainder of the
845 unexpired term.

846 (5) The council shall annually elect from its membership
847 one member to serve as chair of the council and one member to
848 serve as vice chair. The State Surgeon General shall serve as
849 chair until an election is held.

850 (6) The first meeting of the council shall be called by the
851 chair not more than 60 days after the council members are
852 appointed by the State Surgeon General. The council shall
853 thereafter meet at least once quarterly and may meet more often
854 as necessary. The department shall provide staff assistance to
855 the council which shall include, but is not limited to, keeping
856 records of the proceedings of the council and serving as
857 custodian of all books, documents, and papers filed with the
858 council.

859 (7) A majority of the members of the council constitutes a
860 quorum.

861 (8) Service on the council shall be considered a part of a
862 member's job duties and responsibilities.

863 (9) The council shall:

864 (a) Work to develop and implement policies that offer
865 evidence-based wellness programs to employees of state agencies.

866 (b) Work to encourage state employees to participate in
867 wellness programs. The council may prepare informational
868 programs and brochures for state agencies and employees.

869 (c) In consultation with the department, develop standards
870 and criteria for age-based and gender-based wellness programs.

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871 (d) Define employee wellness and establish the minimum
872 elements of any employee wellness program and specify those
873 activities that are prohibited.

874 Section 22. Section 385.105, Florida Statutes, is created
875 to read:

876 385.105 Physical activity, obesity prevention, nutrition,
877 and other health-promotion services and wellness programs.-

878 (1) PHYSICAL ACTIVITY.-The department shall:

879 (a) Promote programs for people at every stage of their
880 lives to increase physical fitness and encourage healthy
881 behavior changes.

882 (b) Work with school health advisory committees in each
883 school district as established in s. 381.0056 to encourage the
884 physical activity of students, staff, and teachers.

885 (c) Develop public and private partnerships that allow the
886 public to easily access recreational facilities and public land
887 areas that are suitable for physical activity.

888 (d) Work in collaboration with the Executive Office of the
889 Governor and Volunteer Florida, Inc., to promote school
890 initiatives, such as the Governor's Fitness Challenge.

891 (e) Collaborate with the Department of Education in
892 recognizing nationally accepted best practices for improving
893 physical education in schools.

894 (2) OBESITY PREVENTION.-The department shall promote
895 healthy lifestyles to reduce the rate of obesity and encourage
896 weight control and weight reduction through programs that are
897 directed towards all residents of this state by:

898 (a) Using all appropriate media to promote maximum public
899 awareness of the latest research on healthy lifestyles and

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900 chronic diseases and disseminating relevant information relating
901 to wellness, physical activity, and nutrition and the effect of
902 these factors on chronic diseases and disabling conditions
903 through a statewide clearinghouse.

904 (b) Providing technical assistance, training, and resources
905 on healthy lifestyles and chronic diseases to the public, health
906 care providers, school districts, and other persons or entities,
907 including faith-based organizations, that request such
908 assistance to promote physical activity, nutrition, and healthy
909 lifestyle programs.

910 (c) Developing, implementing, and using all available
911 research methods to collect data, including, but not limited to,
912 population-specific data, and tracking the incidence and effects
913 of weight gain, obesity, and related chronic diseases. All
914 research conducted under this paragraph is subject to review and
915 approval as required by the department's Institutional Review
916 Board under s. 381.86.

917 (d) Entering into partnerships with the Department of
918 Education, local communities, school districts, and other
919 entities to encourage schools in the state to promote activities
920 during and after school to help students meet a minimum goal of
921 30 minutes of physical fitness activities per day.

922 (e) Entering into partnerships with the Department of
923 Education, school districts, and the Florida Sports Foundation
924 to develop programs recognizing the schools at which students
925 demonstrate excellent physical fitness or fitness improvement.

926 (f) Collaborating with other state agencies to develop
927 policies and strategies for preventing and treating obesity,
928 which shall be incorporated into programs administered by each

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929 agency and shall include promoting healthy lifestyles among the
930 employees of each agency.

931 (g) Advising, in accordance with s. 456.081, health care
932 practitioners about the morbidity, mortality, and costs
933 associated with being overweight or obese; informing
934 practitioners of promising clinical practices for preventing and
935 treating obesity; and encouraging practitioners to counsel their
936 patients regarding the adoption of healthy lifestyles.

937 (h) Maximizing all local, state, and federal funding
938 sources, including seeking grants, public-private partnerships,
939 and other mechanisms, to strengthen the department's programs
940 that promote physical activity and nutrition.

941 (3) NUTRITION.—The Office of Public Health Nutrition shall:

942 (a) Promote the maintenance of optimal nutritional status
943 in the state's population through activities, including, but not
944 limited to:

945 1. Nutrition screening and assessment and nutrition
946 counseling, including nutrition therapy, followup, case
947 management, and referrals, for persons who have medical
948 conditions or nutrition risk factors and who receive health
949 services through public health programs or through referrals
950 from private health care providers or facilities.

951 2. Nutrition education to assist residents of the state in
952 achieving optimal health and preventing chronic disease.

953 3. Consultative nutrition services to group facilities
954 which promote the provision of safe and nutritionally adequate
955 diets.

956 (b) Monitor and conduct surveillance of the nutritional
957 status of the state's population.

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958 (c) Conduct or support research or evaluations related to
959 public health nutrition. All research conducted under this
960 paragraph is subject to review and approval as required by the
961 department's Institutional Review Board under s. 381.86.

962 (d) Establish policies and standards for public health
963 nutrition practices.

964 (e) Promote interagency cooperation, professional
965 education, and consultation.

966 (f) Provide technical assistance and advise state agencies,
967 private institutions, and local organizations regarding public
968 health nutrition standards.

969 (g) Work with the Department of Agriculture and Consumer
970 Services, the Department of Education, and the Department of
971 Management Services to further the use of the state's fresh
972 produce in schools and encourage the development of community
973 gardens. Nutritional services shall be available to eligible
974 persons in accordance with eligibility criteria adopted by the
975 department. The department shall provide by rule requirements
976 for the service fees, when applicable, which may not exceed the
977 department's actual costs.

978
979 The department may adopt rules to administer this subsection.

980 (4) OTHER HEALTH PROMOTION SERVICES.—The department shall:

981 (a) Promote personal responsibility by encouraging
982 residents of this state to be informed, follow health
983 recommendations, seek medical consultations and health
984 assessments, and comply with medical guidelines, including those
985 that lead to earlier detection of chronic diseases, in order to
986 prevent chronic diseases or slow the progression of established

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987 chronic diseases.

988 (b) Promote regular health visits during a person's
989 lifetime, including annual physical examinations that include
990 measuring body mass index and vital signs, blood work,
991 immunizations, screenings, and dental examinations, in order to
992 reduce the financial, social, and personal burden of chronic
993 disease.

994 (5) WELLNESS PROGRAMS.—

995 (a) Each state agency may conduct employee wellness
996 programs in buildings and on lands owned or leased by the state.
997 The department shall serve as a model for the development and
998 implementation of employee wellness programs that may include
999 physical fitness, healthy nutrition, self-management of disease,
1000 wellness and fitness education, and behavioral change elements.
1001 The department shall assist other state agencies in developing
1002 and implementing employee wellness programs. These programs
1003 shall use existing resources, facilities, and programs or
1004 resources procured through grant funding and donations that are
1005 obtained in accordance with state ethics and procurement
1006 policies, and shall provide equal access to any such programs,
1007 resources, and facilities to all state employees.

1008 (b) The department shall coordinate its efforts with the
1009 Department of Management Services and other state agencies.

1010 (c) Each state agency may establish an employee wellness
1011 workgroup to design the agency's wellness program. The
1012 department shall provide policy guidance and assist in
1013 identifying effective wellness program strategies.

1014 (d) The department shall provide by rule requirements for
1015 nominal participation fees, when applicable, which may not

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1016 exceed the department's actual costs, collaboration with
1017 businesses, and the procurement of equipment and incentives.

1018 Section 23. Section 385.202, Florida Statutes, is amended
1019 to read:

1020 385.202 Statewide cancer registry.—

1021 (1) Each facility, laboratory, or practitioner licensed
1022 under chapter 395, chapter 458, chapter 459, chapter 464,
1023 chapter 483, or chapter 485, and each freestanding radiation
1024 therapy center as defined in s. 408.07, shall report to the
1025 department ~~of Health~~ such information, specified by the
1026 department, by rule. The department may adopt rules regarding
1027 reporting requirements for the statewide cancer registry, which
1028 shall include the data required, the timeframe for reporting,
1029 and those professionals who are responsible for ensuring
1030 compliance with reporting requirements, ~~which indicates~~
1031 ~~diagnosis, stage of disease, medical history, laboratory data,~~
1032 ~~tissue diagnosis, and radiation, surgical, or other methods of~~
1033 ~~diagnosis or treatment for each cancer diagnosed or treated by~~
1034 ~~the facility or center. Failure to comply with this requirement~~
1035 ~~may be cause for registration or licensure suspension or~~
1036 ~~revocation.~~

1037 (2) The department shall establish, or cause to have
1038 established, by contract with a recognized medical organization
1039 in this state and its affiliated institutions, a statewide
1040 cancer registry program to ensure that cancer reports required
1041 under this section shall be maintained and available for use in
1042 the course of public health surveillance and any study for the
1043 purpose of reducing morbidity or mortality; and no liability of
1044 any kind or character for damages or other relief shall arise or

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1045 be enforced against any facility, laboratory, or practitioner
1046 ~~hospital~~ by reason of having provided such information or
1047 material to the department.

1048 (3) The department may adopt rules regarding the
1049 establishment and operation of a statewide cancer registry
1050 program.

1051 (4)~~(3)~~ The department or a contractual designee operating
1052 the statewide cancer registry program required by this section
1053 shall use or publish such ~~said~~ material only for the purpose of
1054 public health surveillance and advancing medical research or
1055 medical education in the interest of reducing morbidity or
1056 mortality, except that a summary of such studies may be released
1057 for general publication. Information which discloses or could
1058 lead to the disclosure of the identity of any person whose
1059 condition or treatment has been reported and studied shall be
1060 confidential and exempt from the provisions of s. 119.07(1),
1061 except that:

1062 (a) Release may be made with the written consent of all
1063 persons to whom the information applies;

1064 (b) The department or a contractual designee may contact
1065 individuals for the purpose of epidemiologic investigation and
1066 monitoring, provided information that is confidential under this
1067 section is not further disclosed; or

1068 (c) The department may exchange personal data with any
1069 other governmental agency or a contractual designee for the
1070 purpose of public health surveillance and medical or scientific
1071 research, if provided such governmental agency or contractual
1072 designee does ~~shall~~ not further disclose information that is
1073 confidential under this section.

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1074 (5)~~(4)~~ Funds appropriated for this section shall be used
1075 for establishing, administering, compiling, processing, and
1076 providing biometric and statistical analyses to the reporting
1077 facilities, laboratories, and practitioners. Funds may also be
1078 used to ensure the quality and accuracy of the information
1079 reported and to provide management information to the reporting
1080 facilities, laboratories, and practitioners.

1081 (6)~~(5)~~ The department may adopt rules regarding the
1082 classifications of, by rule, classify facilities, laboratories,
1083 and practitioners that are responsible for making reports to the
1084 statewide cancer registry, the content and frequency of the
1085 reports, and the penalty for failure to comply with these
1086 requirements for purposes of reports made to the cancer registry
1087 and specify the content and frequency of the reports. In
1088 classifying facilities, the department shall exempt certain
1089 facilities from reporting cancer information that was previously
1090 reported to the department or retrieved from existing state
1091 reports made to the department or the Agency for Health Care
1092 Administration. The provisions of this section shall not apply
1093 to any facility whose primary function is to provide psychiatric
1094 care to its patients.

1095 (7) Notwithstanding subsection (1), each facility,
1096 laboratory, and practitioner that reports cancer cases to the
1097 department shall make their records available for onsite review
1098 by the department or its authorized representative.

1099 Section 24. Subsection (3) of section 385.203, Florida
1100 Statutes, is amended to read:

1101 385.203 Diabetes Advisory Council; creation; function;
1102 membership.-

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1103 (3) The council shall be composed of 26 ~~25~~ citizens of the
 1104 state who have knowledge of, or work in, the area of diabetes
 1105 mellitus as follows:

1106 (a) Five interested citizens, three of whom are affected by
 1107 diabetes.

1108 (b) Twenty-one ~~Twenty~~ members, who must include one
 1109 representative from each of the following areas: nursing with
 1110 diabetes-educator certification; dietary with diabetes educator
 1111 certification; podiatry; ophthalmology or optometry; psychology;
 1112 pharmacy; adult endocrinology; pediatric endocrinology; the
 1113 American Diabetes Association (ADA); the Juvenile Diabetes
 1114 Foundation (JDF); the Florida Academy of Family Physicians; a
 1115 community health center; a county health department; an American
 1116 Diabetes Association recognized community education program;
 1117 each medical school in the state; an osteopathic medical school;
 1118 the insurance industry; a Children's Medical Services diabetes
 1119 regional program; and an employer.

1120 (c) One or more representatives from the Department of
 1121 Health, who shall serve on the council as ex officio members.

1122 Section 25. Section 385.206, Florida Statutes, is amended
 1123 to read:

1124 385.206 Pediatric Hematology-oncology care ~~care~~ Center Program.—

1125 (1) DEFINITIONS.—As used in this section, the term:

1126 (a) "Department" means the Department of Health.

1127 (b) "Hematology" means the study, diagnosis, and treatment
 1128 of blood and blood-forming tissues.

1129 (c) "Oncology" means the study, diagnosis, and treatment of
 1130 malignant neoplasms or cancer.

1131 (d) "Hemophilia" or "other hemostatic disorder" means a

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1132 bleeding disorder resulting from a genetic abnormality of
1133 mechanisms related to the control of bleeding.

1134 (e) "Sickle-cell anemia or other hemoglobinopathy" means an
1135 hereditary, chronic disease caused by an abnormal type of
1136 hemoglobin.

1137 (f) "Patient" means a person under the age of 21 who is in
1138 need of hematologic-oncologic services and who is enrolled in
1139 the Children's Medical Services Network ~~declared medically and~~
1140 ~~financially eligible by the department; or a person who received~~
1141 ~~such services prior to age 21 and who requires long-term~~
1142 ~~monitoring and evaluation to ascertain the sequelae and the~~
1143 ~~effectiveness of treatment.~~

1144 (g) "Center" means a facility designated by the department
1145 as having a program specifically designed to provide a full
1146 range of medical and specialty services to patients with
1147 hematologic and oncologic disorders.

1148 (2) PEDIATRIC HEMATOLOGY-ONCOLOGY CARE CENTER PROGRAM;
1149 AUTHORITY.—The department may designate ~~is authorized to make~~
1150 ~~grants and reimbursements to designated centers~~ and provide
1151 funding to establish and maintain programs for the care of
1152 patients with hematologic and oncologic disorders. Program
1153 administration costs shall be paid by the department from funds
1154 appropriated for this purpose.

1155 (3) FUNDING; CONTRACT REQUIREMENTS GRANT AGREEMENTS;
1156 CONDITIONS.—

1157 (a) Funding provided ~~A grant made~~ under this section shall
1158 be pursuant to a contract ~~contractual agreement~~ made between a
1159 center and the department. Each contract ~~agreement~~ shall provide
1160 that patients will receive services ~~specified types of treatment~~

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1161 and care from the center without additional charge to the
 1162 patients or their parents or guardians. ~~Grants shall be~~
 1163 ~~disbursed in accordance with conditions set forth in the~~
 1164 ~~disbursement guidelines.~~

1165 ~~(4) GRANT DISBURSEMENTS AND SPECIAL DISBURSEMENTS FOR LOCAL~~
 1166 ~~PROGRAMS.—~~

1167 (b)(a) Funding may be provided ~~Grant disbursements may be~~
 1168 ~~made~~ to centers that ~~which~~ meet the following criteria:

1169 1. The personnel shall include at least one board-certified
 1170 pediatric hematologist-oncologist, at least one board-certified
 1171 pediatric surgeon, at least one board-certified radiotherapist,
 1172 and at least one board-certified pathologist.

1173 2. ~~As approved by the department,~~ The center shall actively
 1174 participate in a national children's cancer study group,
 1175 maintain a pediatric tumor registry, have a multidisciplinary
 1176 pediatric tumor board, and meet other guidelines for
 1177 development, including, but not limited to, guidelines from such
 1178 organizations as the American Academy of Pediatrics and the
 1179 American Pediatric Surgical Association.

1180 ~~(b) Programs shall also be established to provide care to~~
 1181 ~~hematology-oncology patients within each district of the~~
 1182 ~~department. The guidelines for local programs shall be~~
 1183 ~~formulated by the department. Special disbursements may be made~~
 1184 ~~by the program office to centers for educational programs~~
 1185 ~~designed for the districts of the department. These programs may~~
 1186 ~~include teaching total supportive care of the dying patient and~~
 1187 ~~his or her family, home therapy to hemophiliacs and patients~~
 1188 ~~with other hemostatic disorders, and screening and counseling~~
 1189 ~~for patients with sickle cell anemia or other~~

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1190 hemoglobinopathies.

1191 ~~(4)-(5)~~ PROGRAM AND PEER REVIEW.—The department shall
 1192 evaluate ~~at least annually during the grant period~~ the services
 1193 rendered by the centers ~~and the districts of the department~~.
 1194 Data from the centers and other sources relating to pediatric
 1195 cancer shall be reviewed annually by the Florida Association of
 1196 Pediatric Tumor Programs, Inc.; and a written report with
 1197 recommendations shall be made to the department. This database
 1198 will be available to the department for program planning and
 1199 quality assurance initiatives ~~formulation of its annual program~~
 1200 ~~and financial evaluation report~~. A portion of the funds
 1201 appropriated for this section may be used to provide statewide
 1202 consultation, supervision, and evaluation of the programs of the
 1203 centers, as well as central program ~~program~~ office support personnel.

1204 Section 26. Paragraph (g) of subsection (2) and subsection
 1205 (7) of section 385.207, Florida Statutes, are amended to read:

1206 385.207 Care and assistance of persons with epilepsy;
 1207 establishment of programs in epilepsy control.—

1208 (2) The Department of Health shall:

1209 (g) Continue current programs and develop cooperative
 1210 programs and services designed to enhance the vocational
 1211 rehabilitation of epilepsy clients, including the current jobs
 1212 programs. The department shall, as part of its contract with a
 1213 provider of epilepsy services, collect information regarding the
 1214 number of clients served, the outcomes reached, the expenses
 1215 incurred, and the fees collected by such providers for the
 1216 provision of services ~~keep~~ and make this information available
 1217 to the Governor and the Legislature upon request ~~information~~
 1218 ~~regarding the number of clients served, the outcome reached, and~~

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1219 ~~the expense incurred by such programs and services.~~

1220 ~~(7) The department shall limit total administrative~~
1221 ~~expenditures from the Epilepsy Services Trust Fund to 5 percent~~
1222 ~~of annual receipts.~~

1223 Section 27. Paragraphs (b), (d), and (g) of subsection (2)
1224 and paragraph (b) of subsection (5) of section 385.210, Florida
1225 Statutes, are amended to read:

1226 385.210 Arthritis prevention and education.—

1227 (2) LEGISLATIVE FINDINGS.—The Legislature finds the
1228 following:

1229 (b) Arthritis is the leading cause of disability in the
1230 United States, ~~limiting daily activities for more than 7 million~~
1231 ~~citizens.~~

1232 (d) There are enormous economic and social costs associated
1233 with treating arthritis and its complications; ~~the economic~~
1234 ~~costs are estimated at over \$116 billion (1997) annually in the~~
1235 ~~United States.~~

1236 (g) The National Arthritis Foundation, the CDC Centers for
1237 ~~Disease Control and Prevention~~, and the Association of State and
1238 Territorial Health Officials have led the development of a
1239 public health strategy, the National Arthritis Action Plan, to
1240 respond to this challenge.

1241 (5) FUNDING.—

1242 (b) The State Surgeon General may ~~shall~~ seek any federal
1243 waiver or waivers that may be necessary to maximize funds from
1244 the Federal Government to implement this program.

1245 Section 28. Section 385.301, Florida Statutes, is created
1246 to read:

1247 385.301 Rulemaking authority.—The department may adopt

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1248 rules pursuant to ss. 120.536(1) and 120.54 to implement the
1249 provisions of this chapter.

1250 Section 29. Section 385.401, Florida Statutes, is created
1251 to read:

1252 385.401 Direct-support organization.—

1253 (1) DIRECT-SUPPORT ORGANIZATION ESTABLISHED.—The Department
1254 of Health may establish a direct-support organization to provide
1255 assistance, funding, and support for the department in carrying
1256 out the specific mission of promoting a range of collaborations
1257 to prevent and alleviate the effects of chronic disease upon
1258 written approval by the State Surgeon General. This section
1259 governs the creation, use, powers, and duties of the direct-
1260 support organization. Such direct-support organization is an
1261 organization that is:

1262 (a) A Florida corporation, not for profit, incorporated
1263 under chapter 617, exempted from filing fees, and approved by
1264 the Department of State.

1265 (b) Organized and operated to conduct programs and
1266 activities; to initiate developmental projects; to raise funds;
1267 to request and receive grants, gifts, and bequests of moneys; to
1268 acquire, receive, hold, invest, and administer in its own name
1269 securities, funds, or property; and to make expenditures to or
1270 for the direct or indirect benefit of the state public health
1271 system for promoting a range of collaborations to prevent and
1272 alleviate the effects of chronic disease through the department
1273 or its individual county health departments and the health care
1274 system.

1275 (c) Determined by the department to be operating in a
1276 manner consistent with the priority issues and objectives of the

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1277 department and in the best interest of the state.

1278 (d) Approved in writing by the State Surgeon General to
1279 operate for the direct or indirect benefit of the department or
1280 its individual county health departments. This approval shall be
1281 in a form determined by the department.

1282 (2) BOARD OF DIRECTORS.—The direct-support organization
1283 shall be governed by a board of directors.

1284 (a) The board of directors shall consist of at least seven
1285 members, five of whom shall be appointed by the State Surgeon
1286 General, one of whom shall be appointed by the President of the
1287 Senate, and one of whom shall be appointed by the Speaker of the
1288 House of Representatives. Networks and partnerships in the state
1289 that are involved in issues related to chronic disease may
1290 recommend nominees to the State Surgeon General.

1291 (b) The term of office of the board members shall be 3
1292 years, except that the terms of the initial appointees shall be
1293 for 1 year, 2 years, or 3 years in order to achieve staggered
1294 terms. A member may be reappointed when his or her term expires.
1295 The State Surgeon General or his or her designee shall serve as
1296 an ex officio member of the board.

1297 (c) Members must be current residents of this state. A
1298 majority of the board members must be highly knowledgeable about
1299 the department, its service personnel, and its missions. The
1300 board shall include representatives of county government, the
1301 health care industry, the medical community, and other
1302 components of the public health system. The State Surgeon
1303 General may remove any member of the board for cause and with
1304 the approval of a majority of the members. The State Surgeon
1305 General shall appoint a replacement for any vacancy that occurs.

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1306 (3) USE OF PROPERTY.—

1307 (a) The department and each county health department may
1308 allow, without charge, the use of the department's fixed
1309 property and facilities within the state public health system by
1310 the direct-support organization, subject to this section. Use of
1311 the fixed property and facilities by the direct-support
1312 organization may not interfere with use of the fixed property
1313 and facilities by the department's clients or staff.

1314 (b) The department may not allow the use of its fixed
1315 property and facilities by a direct-support organization that is
1316 organized under this section and does not provide equal
1317 employment opportunities to all persons regardless of race,
1318 color, national origin, gender, age, or religion.

1319 (4) DIRECTIVES.—The direct-support organization must comply
1320 with directives and requirements established by the sources of
1321 its funding.

1322 (5) ANNUAL BUDGETS AND REPORTS.—

1323 (a) The fiscal year of the direct-support organization
1324 shall begin on July 1 of each year and end on June 30 of the
1325 following year.

1326 (b) The direct-support organization shall submit to the
1327 department its federal Internal Revenue Service Application for
1328 Recognition of Exemption form and its federal Internal Revenue
1329 Service Return of Organization Exempt from Income Tax form.

1330 (c) By January 15th of each year, the direct-support
1331 organization shall submit to the Governor, the President of the
1332 Senate, and the Speaker of the House of Representative a report
1333 describing the progress of the organization in meeting the goals
1334 of its mission, making recommendations that further its purpose,

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1335 and providing an audit of its expenditures.

1336 (6) ANNUAL AUDIT.—The direct-support organization shall
1337 provide for an annual financial audit in accordance with s.
1338 215.981.

1339 Section 30. Subsection (9) of section 409.904, Florida
1340 Statutes, is amended to read:

1341 409.904 Optional payments for eligible persons.—The agency
1342 may make payments for medical assistance and related services on
1343 behalf of the following persons who are determined to be
1344 eligible subject to the income, assets, and categorical
1345 eligibility tests set forth in federal and state law. Payment on
1346 behalf of these Medicaid eligible persons is subject to the
1347 availability of moneys and any limitations established by the
1348 General Appropriations Act or chapter 216.

1349 (9) Eligible women with incomes at or below 200 percent of
1350 the federal poverty level and under age 65, for cancer treatment
1351 pursuant to the federal Breast and Cervical Cancer Prevention
1352 and Treatment Act of 2000, screened through the Mary Brogan
1353 Breast and Cervical Cancer Early Detection Program established
1354 under s. 385.20253 ~~s. 381.93~~.

1355 Section 31. This act shall take effect July 1, 2010.