

1 A bill to be entitled
2 An act relating to the health care; amending s. 20.43,
3 F.S.; establishing the Office of Public Health Nutrition
4 within the Department of Health; amending ss. 20.435,
5 154.503, and 215.5602, F.S.; conforming cross-references;
6 repealing s. 381.0053, F.S., relating to the comprehensive
7 nutrition program; repealing s. 381.0054, F.S., relating
8 to the promotion of healthy lifestyles; repealing ss.
9 381.732 and 381.733, F.S., relating to the Healthy
10 Communities, Healthy People Act; repealing s. 381.734,
11 F.S., relating to the Healthy Communities, Healthy People
12 Program; repealing s. 381.912, F.S., relating to the
13 Cervical Cancer Elimination Task Force; repealing s.
14 385.103, F.S., relating to community intervention
15 programs; renumbering s. 381.91, F.S., relating to the
16 Jessie Trice Cancer Prevention Program; renumbering and
17 amending s. 381.911, F.S., relating to the Prostate Cancer
18 Awareness Program; revising the criteria for members of
19 the prostate cancer advisory committee; renumbering s.
20 381.92, F.S., relating to the Florida Cancer Council;
21 renumbering s. 381.921, F.S., relating to the mission and
22 duties of the Florida Cancer Council; renumbering and
23 amending s. 381.922, F.S., relating to the William G.
24 "Bill" Bankhead, Jr., and David Coley Cancer Research
25 Program; conforming cross-references; renumbering s.
26 381.93, F.S., relating to a breast and cervical cancer
27 early detection program; renumbering and amending s.
28 381.931, F.S., relating to an annual report on Medicaid

29 expenditures; removing a provision limiting the number of
30 breast and cervical cancer screenings based on projected
31 Medicaid expenditures; renumbering s. 381.932, F.S.,
32 relating to the breast cancer early detection and
33 treatment referral program; renaming ch. 385, F.S., as the
34 "Healthy and Fit Florida Act"; amending s. 385.101, F.S.;
35 revising the short title; amending s. 385.102, F.S.;
36 revising legislative intent with regard to chronic
37 diseases and health promotion; creating s. 385.1021, F.S.;
38 providing definitions; creating s. 385.1022, F.S.;
39 requiring the Department of Health to support the creation
40 of public health programs at the state and community
41 levels to reduce the incidence of mortality and morbidity
42 from chronic diseases; authorizing the department to
43 advance funds for program startup and contracted services
44 under certain conditions; creating s. 385.1023, F.S.;
45 requiring the department to create state-level programs to
46 address the preventable risk factors associated with
47 chronic diseases; requiring the program to perform certain
48 activities; requiring a biennial report to the Governor
49 and Legislature; creating s. 385.1035, F.S.; providing for
50 community-level programs for the prevention of chronic
51 diseases and the promotion of health; requiring the
52 department to develop and implement a community-level
53 chronic disease prevention and health promotion program;
54 providing the purpose of the program; providing
55 requirements for the program; creating s. 385.104, F.S.;
56 creating the State Employee Wellness Interagency Council;

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

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

113 requirements for contracts that provide funding for the
114 program; deleting a requirement for the establishment of
115 district programs and annual review thereof; revising
116 procedure for evaluation of services provided by the
117 centers; requiring data from the centers and other sources
118 relating to pediatric cancer to be available to the
119 department for program planning and quality assurance
120 initiatives; amending s. 385.207, F.S.; revising
121 provisions that require the department to collect
122 information regarding the number of clients served,
123 outcomes reached, expenses incurred, and fees collected by
124 providers of epilepsy services; deleting a provision that
125 requires the department to limit administrative expenses
126 from the Epilepsy Services Trust Fund to a certain
127 percentage of annual receipts; amending s. 385.210, F.S.;
128 revising legislative findings regarding the economic costs
129 of treating arthritis and its complications; authorizing
130 the State Surgeon General to seek any federal waivers
131 necessary to maximize funds from the Federal Government to
132 implement an arthritis prevention and education program;
133 creating s. 385.301, F.S.; authorizing the department to
134 adopt rules to administer ch. 385, F.S.; creating s.
135 385.401, F.S.; authorizing the department, with the
136 approval of the State Surgeon General, to establish a
137 direct-support organization; specifying duties; providing
138 for appointment and terms of members of the board of
139 directors; providing for the use of department and county
140 health department property and facilities by the direct-

141 support organization under certain conditions; requiring
 142 the direct-support organization to comply with directives
 143 and requirements established by funding sources; requiring
 144 the direct-support organization to submit certain forms to
 145 the department and reports to the Governor and
 146 Legislature; requiring an annual audit; amending s.
 147 409.904, F.S.; conforming a cross-reference; providing an
 148 effective date.

149
 150 WHEREAS, chronic diseases account for 70 percent of all
 151 deaths in the United States, and

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

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

158 WHEREAS, lung disease is the fourth leading cause of death
 159 and is responsible for one in every six deaths in this state,
 160 and

161 WHEREAS, diabetes is the sixth leading cause of death in
 162 this state, and

163 WHEREAS, oral disease, specifically dental caries, commonly
 164 known as tooth decay, is the single most common chronic disease
 165 in children. Dental caries is the most prevalent chronic disease
 166 experienced by children that is not self-limiting or amenable to
 167 a short-term course of antibiotics, despite the fact that dental
 168 caries is usually preventable, and

169 WHEREAS, arthritis is the leading cause of disability in
 170 the United States, limiting the daily activities of more than 19
 171 million people across the country and more than 1 million people
 172 in this state alone, NOW, THEREFORE,

173
 174 Be It Enacted by the Legislature of the State of Florida:

175
 176 Section 1. Subsection (10) is added to section 20.43,
 177 Florida Statutes, to read:

178 20.43 Department of Health.—There is created a Department
 179 of Health.

180 (10) There is established within the Department of Health
 181 the Office of Public Health Nutrition.

182 Section 2. Paragraph (a) of subsection (8) of section
 183 20.435, Florida Statutes, is amended to read:

184 20.435 Department of Health; trust funds.—The following
 185 trust funds shall be administered by the Department of Health:

186 (8) Biomedical Research Trust Fund.

187 (a) Funds to be credited to the trust fund shall consist
 188 of funds deposited pursuant to s. 215.5601 and any other funds
 189 appropriated by the Legislature. Funds shall be used for the
 190 purposes of the James and Esther King Biomedical Research
 191 Program and the William G. "Bill" Bankhead, Jr., and David Coley
 192 Cancer Research Program as specified in ss. 215.5602, 288.955,
 193 and 385.20252 ~~381.922~~. The trust fund is exempt from the service
 194 charges imposed by s. 215.20.

195 Section 3. Paragraph (e) of subsection (2) of section
 196 154.503, Florida Statutes, is amended to read:

197 154.503 Primary Care for Children and Families Challenge
 198 Grant Program; creation; administration.—

199 (2) The department shall:

200 (e) Coordinate with the primary care program developed
 201 pursuant to s. 154.011, the Florida Healthy Kids Corporation
 202 program created in s. 624.91, the school health services program
 203 created in ss. 381.0056 and 381.0057, ~~the Healthy Communities,~~
 204 ~~Healthy People Program created in s. 381.734,~~ and the volunteer
 205 health care provider program developed pursuant to s. 766.1115.

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

208 215.5602 James and Esther King Biomedical Research
 209 Program.—

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

213 Section 5. Sections 381.0053, 381.0054, 381.732, 381.733,
 214 381.734, 381.912, and 385.103, Florida Statutes, are repealed.

215 Section 6. Section 381.91, Florida Statutes, is renumbered
 216 as section 385.2023, Florida Statutes, to read:

217 385.2023 ~~381.91~~ Jessie Trice Cancer Prevention Program.—

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

219 (a) Reduce the rates of illness and death from lung cancer
 220 and other cancers and improve the quality of life among low-
 221 income African-American and Hispanic populations through
 222 increased access to early, effective screening and diagnosis,
 223 education, and treatment programs.

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

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

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

235 (b) Funding may be provided to develop contracts with
 236 community health centers and local community faith-based
 237 education programs to provide cancer screening, diagnosis,
 238 education, and treatment services to low-income populations
 239 throughout the state.

240 Section 7. Section 381.911, Florida Statutes, is
 241 renumbered as section 385.2024, Florida Statutes, and amended to
 242 read:

243 385.2024 ~~381.911~~ Prostate Cancer Awareness Program.—

244 (1) To the extent that funds are specifically made
 245 available for this purpose, the Prostate Cancer Awareness
 246 Program is established within the Department of Health. The
 247 purpose of this program is to implement the recommendations of
 248 January 2000 of the Florida Prostate Cancer Task Force to
 249 provide for statewide outreach and health education activities
 250 to ensure that men are aware of and appropriately seek medical

251 counseling for prostate cancer as an early-detection health care
 252 measure.

253 (2) For purposes of implementing the program, the
 254 Department of Health and the Florida Public Health Institute,
 255 Inc., may:

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

258 (b) Seek any available gifts, grants, or funds from the
 259 state, the Federal Government, philanthropic foundations, and
 260 industry or business groups.

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

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

266 1. Three persons from prostate cancer survivor groups or
 267 cancer-related advocacy groups.

268 2. Three persons who are scientists or clinicians from
 269 public or nonpublic universities or research organizations.

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

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

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

279 Section 8. Section 381.92, Florida Statutes, is renumbered
 280 as section 385.2025, Florida Statutes, to read:

281 385.2025 ~~381.92~~ Florida Cancer Council.—

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

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

288 (b) The Florida Cancer Council may create not-for-profit
 289 corporate subsidiaries to fulfill its mission. The council and
 290 its subsidiaries are authorized to receive, hold, invest, and
 291 administer property and any moneys acquired from private, local,
 292 state, and federal sources, as well as technical and
 293 professional income generated or derived from the mission-
 294 related activities of the council.

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

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

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

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

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

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

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

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

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

311 9. The president of the Florida Society of Clinical
312 Oncology or his or her designee;

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

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

317 12. Five representatives from cancer programs approved by
318 the American College of Surgeons. Three shall be appointed by
319 the Governor, one shall be appointed by the Speaker of the House
320 of Representatives, and one shall be appointed by the President
321 of the Senate;

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

324 14. One member of the Senate, to be appointed by the
325 President of the Senate.

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

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

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

336 (3) The council shall issue an annual report to the Center
 337 for Universal Research to Eradicate Disease, the Governor, the
 338 Speaker of the House of Representatives, and the President of
 339 the Senate by December 15 of each year, with policy and funding
 340 recommendations regarding cancer research capacity in Florida
 341 and related issues.

342 Section 9. Section 381.921, Florida Statutes, is
 343 renumbered as section 385.20251, Florida Statutes, to read:

344 385.20251 ~~381.921~~ Florida Cancer Council mission and
 345 duties.—The council, which shall work in concert with the
 346 Florida Center for Universal Research to Eradicate Disease to
 347 ensure that the goals of the center are advanced, shall endeavor
 348 to dramatically improve cancer research and treatment in this
 349 state through:

350 (1) Efforts to significantly expand cancer research
 351 capacity in the state by:

352 (a) Identifying ways to attract new research talent and
 353 attendant national grant-producing researchers to cancer
 354 research facilities in this state;

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

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

361 (d) Encouraging the employment of bioinformatics in order
 362 to create a cancer informatics infrastructure that enhances
 363 information and resource exchange and integration through
 364 researchers working in diverse disciplines, to facilitate the
 365 full spectrum of cancer investigations;

366 (e) Facilitating the technical coordination, business
 367 development, and support of intellectual property as it relates
 368 to the advancement of cancer research; and

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

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

373 (a) Identifying ways to increase adult enrollment in
 374 cancer clinical trials;

375 (b) Supporting public and private professional education
 376 programs designed to increase the awareness and knowledge about
 377 cancer clinical trials;

378 (c) Providing tools to cancer patients and community-based
 379 oncologists to aid in the identification of cancer clinical
 380 trials available in the state; and

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

384 (3) Efforts to reduce the impact of cancer on disparate
 385 groups by:

386 (a) Identifying those cancers that disproportionately
 387 impact certain demographic groups; and

388 (b) Building collaborations designed to reduce health
 389 disparities as they relate to cancer.

390 Section 10. Section 385.20252, Florida Statutes, is
 391 renumbered as section 385.20252, Florida Statutes, and amended,
 392 to read:

393 385.20252 ~~381.922~~ William G. "Bill" Bankhead, Jr., and
 394 David Coley Cancer Research Program.—

395 (1) The William G. "Bill" Bankhead, Jr., and David Coley
 396 Cancer Research Program, which may be otherwise cited as the
 397 "Bankhead-Coley Program," is created within the Department of
 398 Health. The purpose of the program shall be to advance progress
 399 towards cures for cancer through grants awarded through a peer-
 400 reviewed, competitive process.

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

403 (a) Emphasis shall be given to the goals enumerated in s.
 404 385.20251 ~~s. 381.921~~, as those goals support the advancement of
 405 such cures.

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

411 (3) (a) Applications for funding for cancer research may be
 412 submitted by any university or established research institute in
 413 the state. All qualified investigators in the state, regardless
 414 of institutional affiliation, shall have equal access and
 415 opportunity to compete for the research funding. Collaborative

416 proposals, including those that advance the program's goals
417 enumerated in subsection (2), may be given preference. Grants
418 shall be awarded by the State Surgeon General, after
419 consultation with the Biomedical Research Advisory Council, on
420 the basis of scientific merit, as determined by an open,
421 competitive peer review process that ensures objectivity,
422 consistency, and high quality. The following types of
423 applications shall be considered for funding:

- 424 1. Investigator-initiated research grants.
- 425 2. Institutional research grants.
- 426 3. Collaborative research grants, including those that
427 advance the finding of cures through basic or applied research.

428 (b) In order to ensure that all proposals for research
429 funding are appropriate and are evaluated fairly on the basis of
430 scientific merit, the State Surgeon General, in consultation
431 with the council, shall appoint a peer review panel of
432 independent, scientifically qualified individuals to review the
433 scientific content of each proposal and establish its priority
434 score. The priority scores shall be forwarded to the council and
435 must be considered in determining which proposals shall be
436 recommended for funding.

437 (c) The council and the peer review panel shall establish
438 and follow rigorous guidelines for ethical conduct and adhere to
439 a strict policy with regard to conflicts of interest. A member
440 of the council or panel may not participate in any discussion or
441 decision with respect to a research proposal by any firm,
442 entity, or agency with which the member is associated as a
443 member of the governing body or as an employee or with which the

444 member has entered into a contractual arrangement. Meetings of
 445 the council and the peer review panels are subject to chapter
 446 119, s. 286.011, and s. 24, Art. I of the State Constitution.

447 (4) By December 15 of each year, the Department of Health
 448 shall submit to the Governor, the President of the Senate, and
 449 the Speaker of the House of Representatives a report indicating
 450 progress towards the program's mission and making
 451 recommendations that further its purpose.

452 (5) Funds appropriated for the William G. "Bill" Bankhead,
 453 Jr., and David Coley Cancer Research Program shall be
 454 distributed pursuant to this section to provide grants to
 455 researchers seeking cures for cancer and cancer-related
 456 illnesses, with emphasis given to the goals enumerated in s.
 457 385.20251 ~~s. 381.921~~. From the total funds appropriated, an
 458 amount of up to 10 percent may be used for administrative
 459 expenses. In the 2009-2010 fiscal year, 2.5 percent, not to
 460 exceed \$25 million, of the revenue deposited into the Health
 461 Care Trust Fund pursuant to s. 215.5602(12)(a) shall be
 462 transferred to the Biomedical Research Trust Fund within the
 463 Department of Health for the William G. "Bill" Bankhead, Jr.,
 464 and David Coley Cancer Research Program.

465 (6) By June 1, 2009, the Division of Statutory Revision of
 466 the Office of Legislative Services shall certify to the
 467 President of the Senate and the Speaker of the House of
 468 Representatives the language and statutory citation of this
 469 section, which is scheduled to expire January 1, 2011.

470 (7) The Legislature shall review the performance, the
 471 outcomes, and the financial management of the William G. "Bill"

472 Bankhead, Jr., and David Coley Cancer Research Program during
 473 the 2010 Regular Session of the Legislature and shall determine
 474 the most appropriate funding source and means of funding the
 475 program based on its review.

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

478 Section 11. Section 381.93, Florida Statutes, is
 479 renumbered as section 385.20253, Florida Statutes, to read:

480 385.20253 ~~381.93~~ Breast and cervical cancer early
 481 detection program.—This section may be cited as the "Mary Brogan
 482 Breast and Cervical Cancer Early Detection Program Act."

483 (1) It is the intent of the Legislature to reduce the
 484 rates of death due to breast and cervical cancer through early
 485 diagnosis and increased access to early screening, diagnosis,
 486 and treatment programs.

487 (2) The Department of Health, using available federal
 488 funds and state funds appropriated for that purpose, is
 489 authorized to establish the Mary Brogan Breast and Cervical
 490 Cancer Screening and Early Detection Program to provide
 491 screening, diagnosis, evaluation, treatment, case management,
 492 and followup and referral to the Agency for Health Care
 493 Administration for coverage of treatment services.

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

499 (4) The department shall limit enrollment in the program
 500 to persons with incomes up to and including 200 percent of the
 501 federal poverty level. The department shall establish an
 502 eligibility process that includes an income-verification process
 503 to ensure that persons served under the program meet income
 504 guidelines.

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

508 Section 12. Section 381.931, Florida Statutes, is
 509 renumbered as section 385.20254, Florida Statutes, and amended
 510 to read:

511 385.20254 ~~381.931~~ Annual report on Medicaid expenditures.-
 512 The Department of Health and the Agency for Health Care
 513 Administration shall monitor the total Medicaid expenditures for
 514 services made under this act. ~~If Medicaid expenditures are~~
 515 ~~projected to exceed the amount appropriated by the Legislature,~~
 516 ~~the Department of Health shall limit the number of screenings to~~
 517 ~~ensure Medicaid expenditures do not exceed the amount~~
 518 ~~appropriated.~~ The Department of Health, in cooperation with the
 519 Agency for Health Care Administration, shall prepare an annual
 520 report that must include the number of women screened; the
 521 percentage of positive and negative outcomes; the number of
 522 referrals to Medicaid and other providers for treatment
 523 services; the estimated number of women who are not screened or
 524 not served by Medicaid due to funding limitations, if any; the
 525 cost of Medicaid treatment services; and the estimated cost of
 526 treatment services for women who were not screened or referred

527 | for treatment due to funding limitations. The report shall be
 528 | submitted to the President of the Senate, the Speaker of the
 529 | House of Representatives, and the Executive Office of the
 530 | Governor by March 1 of each year.

531 | Section 13. Section 381.932, Florida Statutes, is
 532 | renumbered as section 385.20255, Florida Statutes, to read:

533 | 385.20255 ~~381.932~~ Breast cancer early detection and
 534 | treatment referral program.—

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

536 | (a) "Breast cancer screening and referral services" means
 537 | necessary breast cancer screening and referral services for a
 538 | procedure intended to treat cancer of the human breast,
 539 | including, but not limited to, surgery, radiation therapy,
 540 | chemotherapy, hormonal therapy, and related medical followup
 541 | services.

542 | (b) "Unserved or underserved populations" means women who
 543 | are:

544 | 1. At or below 200 percent of the federal poverty level
 545 | for individuals;

546 | 2. Without health insurance that covers breast cancer
 547 | screenings; and

548 | 3. Nineteen to 64 years of age, inclusive.

549 | (2) There is established, within existing or specific
 550 | appropriations, a breast cancer early detection and treatment
 551 | referral program within the Department of Health. The purposes
 552 | of the program are to:

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553 (a) Promote referrals for the screening, detection, and
 554 treatment of breast cancer among unserved or underserved
 555 populations.

556 (b) Educate the public regarding breast cancer and the
 557 benefits of early detection.

558 (c) Provide referral services for persons seeking
 559 treatment.

560 (3) The program shall include, but is not ~~be~~ limited to,
 561 the:

562 (a) Establishment of a public education and outreach
 563 initiative to publicize breast cancer early detection services,
 564 the benefits of early detection of breast cancer, and the
 565 recommended frequency for receiving screening services,
 566 including clinical breast examinations and mammography
 567 guidelines established by the United States Preventive Services
 568 Task Force.

569 (b) Development of professional education programs that
 570 include information regarding the benefits of the early
 571 detection of breast cancer and the recommended frequency for
 572 receiving a mammogram, as recommended in the most current breast
 573 cancer screening guidelines established by the United States
 574 Preventive Services Task Force.

575 (c) Establishment of a system to track and monitor all
 576 women screened for breast cancer in the program. The system
 577 shall include, but is not ~~be~~ limited to, monitoring abnormal
 578 screening tests, referring women for treatment when needed, and
 579 tracking women to be screened at recommended screening
 580 intervals.

581 (4) The State Surgeon General shall submit an annual
 582 report to the appropriate substantive committees of the
 583 Legislature. The report shall include, but is not ~~be~~ limited to,
 584 a description of the rate of breast cancer morbidity and
 585 mortality in the state and the extent to which women are
 586 participating in breast cancer screening as reported by the
 587 Behavioral Risk Factor Surveillance System.

588 Section 14. Chapter 385, Florida Statutes, entitled
 589 "Chronic Diseases," is renamed the "Healthy and Fit Florida
 590 Act."

591 Section 15. Section 385.101, Florida Statutes, is amended
 592 to read:

593 385.101 Short title.—This chapter Sections 385.101-385.103
 594 may be cited as the "Healthy and Fit Florida Chronic Diseases
 595 Act."

596 Section 16. Section 385.102, Florida Statutes, is amended
 597 to read:

598 385.102 Legislative intent.—It is the finding of the
 599 Legislature that:

600 (1) Chronic diseases continue to be the leading cause of
 601 death and disability in the state and the nation ~~exist in high~~
 602 ~~proportions among the people of this state.~~ These Chronic
 603 diseases include, but are not limited to, arthritis,
 604 cardiovascular disease ~~heart disease, hypertension,~~ diabetes,
 605 renal disease, oral diseases, cancer, and ~~chronic obstructive~~
 606 lung disease, including chronic obstructive pulmonary disease
 607 and asthma. These diseases ~~are often~~ have the same preventable
 608 risk factors and interrelated, and they ~~directly and indirectly~~

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609 account for a high rate of death and disability, which results
610 in higher costs to the state's health care system illness.

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

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

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

619 (5) ~~(2)~~ Advances in medical knowledge and technology assist
620 have assisted in the prevention, detection, and management of
621 chronic diseases. Comprehensive approaches that stress the
622 stresssing application of current medical treatment, continuing
623 research, professional training, and patient education, and
624 state and local policy and environmental changes should be
625 implemented encouraged.

626 (6) ~~(3)~~ A comprehensive program dealing with the early
627 detection and prevention of chronic diseases is required to make
628 knowledge and therapy available to all people of this state. The
629 mobilization of scientific, medical, and educational resources
630 and the implementation of state and local policies relating to
631 chronic diseases under one comprehensive law ehronic disease act
632 will facilitate the prevention, early intervention, and
633 management of chronic and treatment of these diseases and their
634 symptoms. This integration of resources and policy will and
635 result in a decline in death and disability illness among the
636 people of this state.

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637 (7) The department shall establish, promote, and maintain
638 programs at the state and community levels for chronic disease
639 prevention and health promotion as described in this chapter to
640 the extent that funds are specifically made available for this
641 purpose.

642 Section 17. Section 385.1021, Florida Statutes, is created
643 to read:

644 385.1021 Definitions.—As used in this chapter, the term:

645 (1) "Best and promising practices" means specific
646 activities used to effect change, which may include guidelines
647 developed by organizations, volunteer scientists, and health
648 care professionals who have published medical or scientific
649 articles on topics relating to chronic diseases in a generally
650 available scientific journal that has a rigorous review and
651 approval process.

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

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

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

657 (5) "Environmental changes" means changes to the economic,
658 social, or physical natural or built environment that encourage
659 or enable healthy behavior.

660 (6) "Policy change" means altering an informal or formal
661 agreement between the public or private sector to identify
662 values, behaviors, or resource allocation in order to improve
663 health.

664 (7) "Primary prevention" means an intervention that is

665 directed toward healthy populations and focuses on preventing a
666 disease before it occurs.

667 (8) "Risk factor" means a characteristic or condition
668 identified during the course of an epidemiological study of a
669 disease that appears to be statistically associated with a high
670 incidence of that disease.

671 (9) "Secondary prevention" means an intervention that is
672 designed to promote the early detection and management of
673 diseases and reduce the risks experienced by at-risk
674 populations.

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

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

683 (12) "Wellness program" means a structured program that is
684 designed or approved by the department to offer intervention
685 activities on or off the worksite which help state and local
686 government employees change certain behaviors or adopt healthy
687 lifestyles.

688 Section 18. Section 385.1022, Florida Statutes, is created
689 to read:

690 385.1022 Chronic disease prevention and health promotion
691 program.—

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692 (1) The department shall support the creation of public
693 health programs at the state and community levels to reduce the
694 incidence of mortality and morbidity from chronic diseases for
695 which risk factors can be identified. Such risk factors include,
696 but are not limited to, being overweight or obese, physical
697 inactivity, poor diet and nutrition habits, sun exposure, poor
698 oral hygiene, and other practices that are detrimental to
699 health.

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

711 Section 19. Section 385.1023, Florida Statutes, is created
712 to read:

713 385.1023 State-level programs for chronic disease
714 prevention.—

715 (1) The department shall create state-level programs that
716 address preventable chronic disease risk factors, such as being
717 overweight or obese, physical inactivity, poor diet and
718 nutrition habits, sun exposure, poor oral hygiene, and other
719 practices that are detrimental to health, in order to decrease

720 the incidence of arthritis, cancer, diabetes, heart disease,
721 lung disease, including chronic obstructive pulmonary disease
722 and asthma, stroke, and other chronic diseases.

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

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

727 (b) Analyzing data regarding chronic disease mortality and
728 morbidity to track changes.

729 (c) Promoting public awareness and increasing knowledge
730 concerning the causes of chronic diseases, including the
731 importance of early detection, diagnosis, and appropriate
732 evidence-based prevention, management, and treatment strategies.

733 (d) Disseminating educational materials and information
734 concerning evidence-based results, available services, and
735 pertinent new research findings and prevention strategies to
736 patients, health insurers, health professionals, and the public.

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

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

742 (g) Increasing awareness among state and local officials
743 involved in health and human services, health professionals and
744 providers, and policymakers regarding evidence-based chronic
745 disease prevention, treatment strategies, and benefits for
746 persons with chronic diseases.

747 (h) Developing a partnership with state and local
748 governments, voluntary health organizations, hospitals, health
749 insurers, universities, medical centers, faith-based
750 organizations, employer groups, private companies, and health
751 care providers to address the issue of chronic diseases in this
752 state.

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

755 (j) Providing lasting improvements in the delivery of
756 health care for individuals who have chronic diseases and their
757 families, thus improving their quality of life while also
758 containing health care costs.

759 (3) The department shall prepare a biennial report on the
760 status of chronic diseases, including current data regarding
761 incidences of chronic disease in the state. The report shall be
762 submitted to the Governor, the President of the Senate, and the
763 Speaker of the House of Representatives by March 1 and shall
764 include:

765 (a) An analysis reviewing and forecasting the correlation
766 of chronic diseases and emerging related issues, as determined
767 by the state chronic disease report, to the direct and indirect
768 financial costs to the state, which may include costs relating
769 to health care, lost productivity, and a reduced quality of
770 life.

771 (b) The reporting of health disparities regarding
772 incidences of chronic diseases among different segments of the
773 population.

774 (c) Recommendations supported by the data provided in the
775 state chronic disease report.

776 Section 20. Section 385.1035, Florida Statutes, is created
777 to read:

778 385.1035 Community-level programs for chronic disease
779 prevention and health promotion.—The department shall develop
780 and implement a comprehensive, community-level program for
781 chronic disease prevention and health promotion. The program
782 shall be designed to reduce major behavioral risk factors
783 associated with chronic diseases by enhancing knowledge, skills,
784 motivation, and opportunities to enable individuals,
785 organizations, health care providers, small businesses, health
786 insurers, and communities to develop and maintain healthy
787 lifestyles. A community-level chronic disease prevention and
788 health promotion program shall include, but not be limited to:

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

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

794 (3) The use of local and statewide data as a basis for
795 decisionmaking and the development and prioritization of
796 community-based interventions focused on the risk factors
797 associated with chronic diseases.

798 (4) The development and implementation of interventions
799 and activities through community organizations, schools,
800 worksites, faith-based organizations, and health-care settings.

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

803 (6) The use of policies, systems, and environmental
 804 changes that support healthy behaviors in order to affect large
 805 segments of the population and encourage healthy choices.

806 (7) The provision of counseling in nutrition, physical
 807 activity, the effects of tobacco use, hypertension, blood
 808 pressure control, and diabetes control, and other clinical
 809 prevention services.

810 Section 21. Section 385.104, Florida Statutes, is created
 811 to read:

812 385.104 State Employee Wellness Interagency Council.—

813 (1) The State Employee Wellness Interagency Council is
 814 created within the Department of Health for the purpose of
 815 developing policies to enhance the full implementation of
 816 employee wellness in state agencies. The council shall operate
 817 as a workgroup under the State Surgeon General.

818 (2) The council shall be composed of representatives of no
 819 fewer than six agencies, including, but not limited to, the
 820 Departments of Health, Revenue, Education, and Management
 821 Services. The council shall include state agency representatives
 822 in leadership positions in the areas of human resources, risk
 823 assessment, or existing employee wellness programs. Council
 824 members shall be appointed in such a manner as to equitably
 825 represent the state agencies on the council. Not more than two
 826 members of the council may be from any one state agency.

827 (3) Council members shall be nominated by the agency head
 828 and appointed by the State Surgeon General to 4-year terms,

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829 except that the initial terms shall be staggered, with three
830 members appointed to 3-year terms and three members appointed to
831 4-year terms.

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

836 (5) The council shall annually elect from its membership
837 one member to serve as chair of the council and one member to
838 serve as vice chair. The State Surgeon General shall serve as
839 chair until an election is held.

840 (6) The first meeting of the council shall be called by
841 the chair not more than 60 days after the council members are
842 appointed by the State Surgeon General. The council shall
843 thereafter meet at least once quarterly and may meet more often
844 as necessary. The department shall provide staff assistance to
845 the council which shall include, but is not limited to, keeping
846 records of the proceedings of the council and serving as
847 custodian of all books, documents, and papers filed with the
848 council.

849 (7) A majority of the members of the council constitutes a
850 quorum.

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

853 (9) The council shall:

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

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856 (b) Work to encourage state employees to participate in
857 wellness programs. The council may prepare informational
858 programs and brochures for state agencies and employees.

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

861 (d) Define employee wellness and establish the minimum
862 elements of any employee wellness program and specify those
863 activities that are prohibited.

864 Section 22. Section 385.105, Florida Statutes, is created
865 to read:

866 385.105 Physical activity, obesity prevention, nutrition,
867 and other health-promotion services and wellness programs.—

868 (1) PHYSICAL ACTIVITY.—The department shall:

869 (a) Promote programs for people at every stage of their
870 lives to increase physical fitness and encourage healthy
871 behavior changes.

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

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

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

881 (e) Collaborate with the Department of Education in
882 recognizing nationally accepted best practices for improving
883 physical education in schools.

884 (2) OBESITY PREVENTION.—The department shall promote
885 healthy lifestyles to reduce the rate of obesity and encourage
886 weight control and weight reduction through programs that are
887 directed towards all residents of this state by:

888 (a) Using all appropriate media to promote maximum public
889 awareness of the latest research on healthy lifestyles and
890 chronic diseases and disseminating relevant information relating
891 to wellness, physical activity, and nutrition and the effect of
892 these factors on chronic diseases and disabling conditions
893 through a statewide clearinghouse.

894 (b) Providing technical assistance, training, and
895 resources on healthy lifestyles and chronic diseases to the
896 public, health care providers, school districts, and other
897 persons or entities, including faith-based organizations, that
898 request such assistance to promote physical activity, nutrition,
899 and healthy lifestyle programs.

900 (c) Developing, implementing, and using all available
901 research methods to collect data, including, but not limited to,
902 population-specific data, and tracking the incidence and effects
903 of weight gain, obesity, and related chronic diseases. All
904 research conducted under this paragraph is subject to review and
905 approval as required by the department's Institutional Review
906 Board under s. 381.86.

907 (d) Entering into partnerships with the Department of
908 Education, local communities, school districts, and other
909 entities to encourage schools in the state to promote activities
910 during and after school to help students meet a minimum goal of
911 30 minutes of physical fitness activities per day.

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

916 (f) Collaborating with other state agencies to develop
917 policies and strategies for preventing and treating obesity,
918 which shall be incorporated into programs administered by each
919 agency and shall include promoting healthy lifestyles among the
920 employees of each agency.

921 (g) Advising, in accordance with s. 456.081, health care
922 practitioners about the morbidity, mortality, and costs
923 associated with being overweight or obese; informing
924 practitioners of promising clinical practices for preventing and
925 treating obesity; and encouraging practitioners to counsel their
926 patients regarding the adoption of healthy lifestyles.

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

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

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

936 1. Nutrition screening and assessment and nutrition
937 counseling, including nutrition therapy, followup, case
938 management, and referrals, for persons who have medical
939 conditions or nutrition risk factors and who receive health

940 services through public health programs or through referrals
 941 from private health care providers or facilities.

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

944 3. Consultative nutrition services to group facilities
 945 which promote the provision of safe and nutritionally adequate
 946 diets.

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

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

953 (d) Establish policies and standards for public health
 954 nutrition practices.

955 (e) Promote interagency cooperation, professional
 956 education, and consultation.

957 (f) Provide technical assistance and advise state
 958 agencies, private institutions, and local organizations
 959 regarding public health nutrition standards.

960 (g) Work with the Department of Agriculture and Consumer
 961 Services, the Department of Education, and the Department of
 962 Management Services to further the use of the state's fresh
 963 produce in schools and encourage the development of community
 964 gardens. Nutritional services shall be available to eligible
 965 persons in accordance with eligibility criteria adopted by the
 966 department. The department shall provide by rule requirements

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967 for the service fees, when applicable, which may not exceed the
968 department's actual costs.

969
970 The department may adopt rules to administer this subsection.

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

972 (a) Promote personal responsibility by encouraging
973 residents of this state to be informed, follow health
974 recommendations, seek medical consultations and health
975 assessments, and comply with medical guidelines, including those
976 that lead to earlier detection of chronic diseases, in order to
977 prevent chronic diseases or slow the progression of established
978 chronic diseases.

979 (b) Promote regular health visits during a person's
980 lifetime, including annual physical examinations that include
981 measuring body mass index and vital signs, blood work,
982 immunizations, screenings, and dental examinations, in order to
983 reduce the financial, social, and personal burden of chronic
984 disease.

985 (5) WELLNESS PROGRAMS.—

986 (a) Each state agency may conduct employee wellness
987 programs in buildings and on lands owned or leased by the state.
988 The department shall serve as a model for the development and
989 implementation of employee wellness programs that may include
990 physical fitness, healthy nutrition, self-management of disease,
991 wellness and fitness education, and behavioral change elements.
992 The department shall assist other state agencies in developing
993 and implementing employee wellness programs. These programs
994 shall use existing resources, facilities, and programs or

995 resources procured through grant funding and donations that are
 996 obtained in accordance with state ethics and procurement
 997 policies, and shall provide equal access to any such programs,
 998 resources, and facilities to all state employees.

999 (b) The department shall coordinate its efforts with the
 1000 Department of Management Services and other state agencies.

1001 (c) Each state agency may establish an employee wellness
 1002 workgroup to design the agency's wellness program. The
 1003 department shall provide policy guidance and assist in
 1004 identifying effective wellness program strategies.

1005 (d) The department shall provide by rule requirements for
 1006 nominal participation fees, when applicable, which may not
 1007 exceed the department's actual costs, collaboration with
 1008 businesses, and the procurement of equipment and incentives.

1009 Section 23. Section 385.202, Florida Statutes, is amended
 1010 to read:

1011 385.202 Statewide cancer registry.—

1012 (1) Each facility, laboratory, or practitioner licensed
 1013 under chapter 395, chapter 458, chapter 459, chapter 464,
 1014 chapter 483, or chapter 485, and each freestanding radiation
 1015 therapy center as defined in s. 408.07, shall report to the
 1016 department of Health such information, specified by the
 1017 department, by rule. The department may adopt rules regarding
 1018 reporting requirements for the statewide cancer registry, which
 1019 shall include the data required, the timeframe for reporting,
 1020 and those professionals who are responsible for ensuring
 1021 compliance with reporting requirements, which indicates
 1022 diagnosis, stage of disease, medical history, laboratory data,

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1023 ~~tissue diagnosis, and radiation, surgical, or other methods of~~
 1024 ~~diagnosis or treatment for each cancer diagnosed or treated by~~
 1025 ~~the facility or center. Failure to comply with this requirement~~
 1026 ~~may be cause for registration or licensure suspension or~~
 1027 ~~revocation.~~

1028 (2) The department shall establish, or cause to have
 1029 established, by contract with a recognized medical organization
 1030 in this state and its affiliated institutions, a statewide
 1031 cancer registry program to ensure that cancer reports required
 1032 under this section shall be maintained and available for use in
 1033 the course of public health surveillance and any study for the
 1034 purpose of reducing morbidity or mortality; and no liability of
 1035 any kind or character for damages or other relief shall arise or
 1036 be enforced against any facility, laboratory, or practitioner
 1037 ~~hospital~~ by reason of having provided such information or
 1038 material to the department.

1039 (3) The department may adopt rules regarding the
 1040 establishment and operation of a statewide cancer registry
 1041 program.

1042 (4)~~(3)~~ The department or a contractual designee operating
 1043 the statewide cancer registry program required by this section
 1044 shall use or publish such ~~said~~ material only for the purpose of
 1045 public health surveillance and advancing medical research or
 1046 medical education in the interest of reducing morbidity or
 1047 mortality, except that a summary of such studies may be released
 1048 for general publication. Information which discloses or could
 1049 lead to the disclosure of the identity of any person whose
 1050 condition or treatment has been reported and studied shall be

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1051 confidential and exempt from the provisions of s. 119.07(1),
 1052 except that:

1053 (a) Release may be made with the written consent of all
 1054 persons to whom the information applies;

1055 (b) The department or a contractual designee may contact
 1056 individuals for the purpose of epidemiologic investigation and
 1057 monitoring, provided information that is confidential under this
 1058 section is not further disclosed; or

1059 (c) The department may exchange personal data with any
 1060 other governmental agency or a contractual designee for the
 1061 purpose of public health surveillance and medical or scientific
 1062 research, if provided such governmental agency or contractual
 1063 designee does shall not further disclose information that is
 1064 confidential under this section.

1065 (5)(4) Funds appropriated for this section shall be used
 1066 for establishing, administering, compiling, processing, and
 1067 providing biometric and statistical analyses to the reporting
 1068 facilities, laboratories, and practitioners. Funds may also be
 1069 used to ensure the quality and accuracy of the information
 1070 reported and to provide management information to the reporting
 1071 facilities, laboratories, and practitioners.

1072 (6)(5) The department may adopt rules regarding the
 1073 classifications of, by rule, classify facilities, laboratories,
 1074 and practitioners that are responsible for making reports to the
 1075 statewide cancer registry, the content and frequency of the
 1076 reports, and the penalty for failure to comply with these
 1077 requirements for purposes of reports made to the cancer registry
 1078 and specify the content and frequency of the reports. In

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1079 ~~classifying facilities, the department shall exempt certain~~
 1080 ~~facilities from reporting cancer information that was previously~~
 1081 ~~reported to the department or retrieved from existing state~~
 1082 ~~reports made to the department or the Agency for Health Care~~
 1083 ~~Administration.~~ The provisions of this section shall not apply
 1084 to any facility whose primary function is to provide psychiatric
 1085 care to its patients.

1086 (7) Notwithstanding subsection (1), each facility,
 1087 laboratory, and practitioner that reports cancer cases to the
 1088 department shall make their records available for onsite review
 1089 by the department or its authorized representative.

1090 Section 24. Subsection (3) of section 385.203, Florida
 1091 Statutes, is amended to read:

1092 385.203 Diabetes Advisory Council; creation; function;
 1093 membership.—

1094 (3) The council shall be composed of 26 ~~25~~ citizens of the
 1095 state who have knowledge of, or work in, the area of diabetes
 1096 mellitus as follows:

1097 (a) Five interested citizens, three of whom are affected
 1098 by diabetes.

1099 (b) Twenty-one ~~Twenty~~ members, who must include one
 1100 representative from each of the following areas: nursing with
 1101 diabetes-educator certification; dietary with diabetes educator
 1102 certification; podiatry; ophthalmology or optometry; psychology;
 1103 pharmacy; adult endocrinology; pediatric endocrinology; the
 1104 American Diabetes Association (ADA); the Juvenile Diabetes
 1105 Foundation (JDF); the Florida Academy of Family Physicians; a
 1106 community health center; a county health department; an American

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1107 Diabetes Association recognized community education program;
 1108 each medical school in the state; an osteopathic medical school;
 1109 the insurance industry; a Children's Medical Services diabetes
 1110 regional program; and an employer.

1111 (c) One or more representatives from the Department of
 1112 Health, who shall serve on the council as ex officio members.

1113 Section 25. Section 385.206, Florida Statutes, is amended
 1114 to read:

1115 385.206 Pediatric Hematology-oncology ~~care~~ Center
 1116 Program.—

1117 (1) DEFINITIONS.—As used in this section, the term:

1118 (a) "Department" means the Department of Health.

1119 (b) "Hematology" means the study, diagnosis, and treatment
 1120 of blood and blood-forming tissues.

1121 (c) "Oncology" means the study, diagnosis, and treatment
 1122 of malignant neoplasms or cancer.

1123 (d) "Hemophilia" or "other hemostatic disorder" means a
 1124 bleeding disorder resulting from a genetic abnormality of
 1125 mechanisms related to the control of bleeding.

1126 (e) "Sickle-cell anemia or other hemoglobinopathy" means
 1127 an hereditary, chronic disease caused by an abnormal type of
 1128 hemoglobin.

1129 (f) "Patient" means a person under the age of 21 who is in
 1130 need of hematologic-oncologic services and who is enrolled in
 1131 the Children's Medical Services Network ~~declared medically and~~
 1132 ~~financially eligible by the department; or a person who received~~
 1133 ~~such services prior to age 21 and who requires long-term~~

1134 ~~monitoring and evaluation to ascertain the sequelae and the~~
 1135 ~~effectiveness of treatment.~~

1136 (g) "Center" means a facility designated by the department
 1137 as having a program specifically designed to provide a full
 1138 range of medical and specialty services to patients with
 1139 hematologic and oncologic disorders.

1140 (2) PEDIATRIC HEMATOLOGY-ONCOLOGY CARE CENTER PROGRAM;
 1141 ~~AUTHORITY.—The department may designate is authorized to make~~
 1142 ~~grants and reimbursements to designated centers and provide~~
 1143 ~~funding to establish and maintain programs for the care of~~
 1144 patients with hematologic and oncologic disorders. Program
 1145 administration costs shall be paid by the department from funds
 1146 appropriated for this purpose.

1147 (3) FUNDING; CONTRACT REQUIREMENTS ~~GRANT AGREEMENTS;~~
 1148 ~~CONDITIONS.—~~

1149 (a) Funding provided ~~A grant made~~ under this section shall
 1150 be pursuant to a contract ~~contractual agreement~~ made between a
 1151 center and the department. Each contract ~~agreement~~ shall provide
 1152 that patients will receive services ~~specified types of treatment~~
 1153 ~~and care~~ from the center without additional charge to the
 1154 patients or their parents or guardians. ~~Grants shall be~~
 1155 ~~disbursed in accordance with conditions set forth in the~~
 1156 ~~disbursement guidelines.~~

1157 ~~(4) GRANT DISBURSEMENTS AND SPECIAL DISBURSEMENTS FOR~~
 1158 ~~LOCAL PROGRAMS.—~~

1159 (b) ~~(a)~~ Funding may be provided ~~Grant disbursements may be~~
 1160 ~~made~~ to centers that ~~which~~ meet the following criteria:

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1161 1. The personnel shall include at least one board-
1162 certified pediatric hematologist-oncologist, at least one board-
1163 certified pediatric surgeon, at least one board-certified
1164 radiotherapist, and at least one board-certified pathologist.

1165 2. ~~As approved by the department,~~ The center shall
1166 actively participate in a national children's cancer study
1167 group, maintain a pediatric tumor registry, have a
1168 multidisciplinary pediatric tumor board, and meet other
1169 guidelines for development, including, but not limited to,
1170 guidelines from such organizations as the American Academy of
1171 Pediatrics and the American Pediatric Surgical Association.

1172 ~~(b) Programs shall also be established to provide care to~~
1173 ~~hematology-oncology patients within each district of the~~
1174 ~~department. The guidelines for local programs shall be~~
1175 ~~formulated by the department. Special disbursements may be made~~
1176 ~~by the program office to centers for educational programs~~
1177 ~~designed for the districts of the department. These programs may~~
1178 ~~include teaching total supportive care of the dying patient and~~
1179 ~~his or her family, home therapy to hemophiliacs and patients~~
1180 ~~with other hemostatic disorders, and screening and counseling~~
1181 ~~for patients with sickle-cell anemia or other~~
1182 ~~hemoglobinopathies.~~

1183 (4)~~(5)~~ PROGRAM AND PEER REVIEW.—The department shall
1184 evaluate ~~at least annually during the grant period~~ the services
1185 rendered by the centers and ~~the districts of the department.~~
1186 Data from the centers and other sources relating to pediatric
1187 cancer shall be reviewed annually by the Florida Association of
1188 Pediatric Tumor Programs, Inc.; and a written report with

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1189 recommendations shall be made to the department. This database
 1190 will be available to the department for program planning and
 1191 quality assurance initiatives ~~formulation of its annual program~~
 1192 ~~and financial evaluation report~~. A portion of the funds
 1193 appropriated for this section may be used to provide statewide
 1194 consultation, supervision, and evaluation of the programs of the
 1195 centers, as well as central ~~program~~ office support personnel.

1196 Section 26. Paragraph (g) of subsection (2) and subsection
 1197 (7) of section 385.207, Florida Statutes, are amended to read:

1198 385.207 Care and assistance of persons with epilepsy;
 1199 establishment of programs in epilepsy control.-

1200 (2) The Department of Health shall:

1201 (g) Continue current programs and develop cooperative
 1202 programs and services designed to enhance the vocational
 1203 rehabilitation of epilepsy clients, including the current jobs
 1204 programs. The department shall, as part of its contract with a
 1205 provider of epilepsy services, collect information regarding the
 1206 number of clients served, the outcomes reached, the expenses
 1207 incurred, and the fees collected by such providers for the
 1208 provision of services ~~keep~~ and make this information available
 1209 to the Governor and the Legislature upon request ~~information~~
 1210 ~~regarding the number of clients served, the outcome reached, and~~
 1211 ~~the expense incurred by such programs and services.~~

1212 ~~(7) The department shall limit total administrative~~
 1213 ~~expenditures from the Epilepsy Services Trust Fund to 5 percent~~
 1214 ~~of annual receipts.~~

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1215 Section 27. Paragraphs (b), (d), and (g) of subsection (2)
 1216 and paragraph (b) of subsection (5) of section 385.210, Florida
 1217 Statutes, are amended to read:

1218 385.210 Arthritis prevention and education.—

1219 (2) LEGISLATIVE FINDINGS.—The Legislature finds the
 1220 following:

1221 (b) Arthritis is the leading cause of disability in the
 1222 United States, ~~limiting daily activities for more than 7 million~~
 1223 ~~citizens.~~

1224 (d) There are enormous economic and social costs
 1225 associated with treating arthritis and its complications; ~~the~~
 1226 ~~economic costs are estimated at over \$116 billion (1997)~~
 1227 ~~annually in the United States.~~

1228 (g) The National Arthritis Foundation, the CDC ~~Centers for~~
 1229 ~~Disease Control and Prevention~~, and the Association of State and
 1230 Territorial Health Officials have led the development of a
 1231 public health strategy, the National Arthritis Action Plan, to
 1232 respond to this challenge.

1233 (5) FUNDING.—

1234 (b) The State Surgeon General may ~~shall~~ seek any federal
 1235 waiver or waivers that may be necessary to maximize funds from
 1236 the Federal Government to implement this program.

1237 Section 28. Section 385.301, Florida Statutes, is created
 1238 to read:

1239 385.301 Rulemaking authority.—The department may adopt
 1240 rules pursuant to ss. 120.536(1) and 120.54 to implement the
 1241 provisions of this chapter.

1242 Section 29. Section 385.401, Florida Statutes, is created
 1243 to read:

1244 385.401 Direct-support organization.-

1245 (1) DIRECT-SUPPORT ORGANIZATION ESTABLISHED.-The
 1246 Department of Health may establish a direct-support organization
 1247 to provide assistance, funding, and support for the department
 1248 in carrying out the specific mission of promoting a range of
 1249 collaborations to prevent and alleviate the effects of chronic
 1250 disease upon written approval by the State Surgeon General. This
 1251 section governs the creation, use, powers, and duties of the
 1252 direct-support organization. Such direct-support organization is
 1253 an organization that is:

1254 (a) A Florida corporation, not for profit, incorporated
 1255 under chapter 617, exempted from filing fees, and approved by
 1256 the Department of State.

1257 (b) Organized and operated to conduct programs and
 1258 activities; to initiate developmental projects; to raise funds;
 1259 to request and receive grants, gifts, and bequests of moneys; to
 1260 acquire, receive, hold, invest, and administer in its own name
 1261 securities, funds, or property; and to make expenditures to or
 1262 for the direct or indirect benefit of the state public health
 1263 system for promoting a range of collaborations to prevent and
 1264 alleviate the effects of chronic disease through the department
 1265 or its individual county health departments and the health care
 1266 system.

1267 (c) Determined by the department to be operating in a
 1268 manner consistent with the priority issues and objectives of the
 1269 department and in the best interest of the state.

1270 (d) Approved in writing by the State Surgeon General to
 1271 operate for the direct or indirect benefit of the department or
 1272 its individual county health departments. This approval shall be
 1273 in a form determined by the department.

1274 (2) BOARD OF DIRECTORS.—The direct-support organization
 1275 shall be governed by a board of directors.

1276 (a) The board of directors shall consist of at least seven
 1277 members, five of whom shall be appointed by the State Surgeon
 1278 General, one of whom shall be appointed by the President of the
 1279 Senate, and one of whom shall be appointed by the Speaker of the
 1280 House of Representatives. Networks and partnerships in the state
 1281 that are involved in issues related to chronic disease may
 1282 recommend nominees to the State Surgeon General.

1283 (b) The term of office of the board members shall be 3
 1284 years, except that the terms of the initial appointees shall be
 1285 for 1 year, 2 years, or 3 years in order to achieve staggered
 1286 terms. A member may be reappointed when his or her term expires.
 1287 The State Surgeon General or his or her designee shall serve as
 1288 an ex officio member of the board.

1289 (c) Members must be current residents of this state. A
 1290 majority of the board members must be highly knowledgeable about
 1291 the department, its service personnel, and its missions. The
 1292 board shall include representatives of county government, the
 1293 health care industry, the medical community, and other
 1294 components of the public health system. The State Surgeon
 1295 General may remove any member of the board for cause and with
 1296 the approval of a majority of the members. The State Surgeon
 1297 General shall appoint a replacement for any vacancy that occurs.

1298 (3) USE OF PROPERTY.—
 1299 (a) The department and each county health department may
 1300 allow, without charge, the use of the department's fixed
 1301 property and facilities within the state public health system by
 1302 the direct-support organization, subject to this section. Use of
 1303 the fixed property and facilities by the direct-support
 1304 organization may not interfere with use of the fixed property
 1305 and facilities by the department's clients or staff.
 1306 (b) The department may not allow the use of its fixed
 1307 property and facilities by a direct-support organization that is
 1308 organized under this section and does not provide equal
 1309 employment opportunities to all persons regardless of race,
 1310 color, national origin, gender, age, or religion.
 1311 (4) DIRECTIVES.—The direct-support organization must
 1312 comply with directives and requirements established by the
 1313 sources of its funding.
 1314 (5) ANNUAL BUDGETS AND REPORTS.—
 1315 (a) The fiscal year of the direct-support organization
 1316 shall begin on July 1 of each year and end on June 30 of the
 1317 following year.
 1318 (b) The direct-support organization shall submit to the
 1319 department its federal Internal Revenue Service Application for
 1320 Recognition of Exemption form and its federal Internal Revenue
 1321 Service Return of Organization Exempt from Income Tax form.
 1322 (c) By January 15th of each year, the direct-support
 1323 organization shall submit to the Governor, the President of the
 1324 Senate, and the Speaker of the House of Representative a report
 1325 describing the progress of the organization in meeting the goals

1326 of its mission, making recommendations that further its purpose,
 1327 and providing an audit of its expenditures.

1328 (6) ANNUAL AUDIT.—The direct-support organization shall
 1329 provide for an annual financial audit in accordance with s.
 1330 215.981.

1331 Section 30. Subsection (9) of section 409.904, Florida
 1332 Statutes, is amended to read:

1333 409.904 Optional payments for eligible persons.—The agency
 1334 may make payments for medical assistance and related services on
 1335 behalf of the following persons who are determined to be
 1336 eligible subject to the income, assets, and categorical
 1337 eligibility tests set forth in federal and state law. Payment on
 1338 behalf of these Medicaid eligible persons is subject to the
 1339 availability of moneys and any limitations established by the
 1340 General Appropriations Act or chapter 216.

1341 (9) Eligible women with incomes at or below 200 percent of
 1342 the federal poverty level and under age 65, for cancer treatment
 1343 pursuant to the federal Breast and Cervical Cancer Prevention
 1344 and Treatment Act of 2000, screened through the Mary Brogan
 1345 Breast and Cervical Cancer Early Detection Program established
 1346 under s. 385.20253 ~~s. 381.93~~.

1347 Section 31. This act shall take effect July 1, 2010.