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1 A bill to be entitled
2 An act relating to cancer research and control; amending
3 s. 20.435, F.S.; changing the carryforward period of
4 certain funds of the Biomedical Research Trust Fund;
5 amending s. 215.5602, F.S.; modifying the terms and
6 membership and establishing a staggered membership for
7 appointed members of the Biomedical Research Advisory
8 Council; authorizing the council to recommend a portion of
9 the allocation for the James and Esther King Biomedical
10 Research Program for specified purposes and to develop a
11 grant application and review mechanism; prohibiting any
12 member of the council from participating in council or
13 peer-review panel discussions or decisions regarding
14 certain proposals; authorizing the Department of Health to
15 accept and use gifts for awards under the program;
16 amending s. 381.922, F.S.; revising the purpose of the
17 William G. "Bill" Bankhead, Jr., and David Coley Cancer
18 Research Program; revising the types of applications
19 considered for funding; authorizing the Biomedical
20 Research Advisory Council to recommend a portion of the
21 allocation for the program for specified purposes and to
22 develop a grant application and review mechanism;
23 prohibiting any member of the council from participating
24 in council or panel discussions or decisions regarding
25 certain proposals; requiring the department to submit to
26 the Governor and Legislature a report by a specified date;
27 authorizing the Department of Health to accept and use
28 gifts for awards under the program; creating s. 381.923,

29 F.S.; creating the Florida Comprehensive Cancer Control
30 Act; providing legislative intent; providing definitions;
31 creating the Florida Cancer Control and Resource Advisory
32 Council; providing membership of the council; providing
33 the composition of the executive committee of the council;
34 providing for terms of the council and meetings; providing
35 for reimbursement for per diem and travel expenses;
36 prohibiting a member of the council from participating in
37 any discussion or decision to recommend any type of award
38 or contract to any qualified nonprofit association or to
39 any agency of this state or a political subdivision of the
40 state with which the member is associated as an employee
41 or as a member of the governing body or with which the
42 member has entered into a contractual arrangement;
43 providing the duties and responsibilities of the council;
44 requiring the council to report findings and
45 recommendations to the Governor, the Legislature, and the
46 State Surgeon General; requiring the council to develop or
47 purchase written summaries regarding medically viable
48 treatment alternatives for the management of breast cancer
49 and prostate cancer; providing requirements for the
50 written summaries; requiring the council to develop and
51 implement education programs regarding early detection and
52 treatment of breast cancer and prostate cancer; requiring
53 that the H. Lee Moffitt Cancer Center and Research
54 Institute, Inc., provide an executive director for the
55 council; authorizing the Department of Health to adopt
56 rules to administer s. 381.923, F.S.; requiring the

57 department to produce the Florida Cancer Plan in
 58 consultation with the council; creating the Cancer Control
 59 Collaborative Program within the Department of Health;
 60 providing the responsibility and mission of the program;
 61 requiring the department to appoint a director; providing
 62 duties for each regional cancer control collaborative;
 63 requiring the collaborative program to submit to the
 64 council an annual report by a specified date; requiring
 65 the program to serve as the infrastructure for expansion
 66 or adaption as federal programs or other opportunities
 67 arise for future cancer control initiatives; amending ss.
 68 458.324 and 459.0125, F.S.; conforming cross-references;
 69 repealing s. 1004.435, F.S., relating to cancer control
 70 and research; providing an effective date.

71
 72 Be It Enacted by the Legislature of the State of Florida:

73
 74 Section 1. Paragraph (c) of subsection (8) of section
 75 20.435, Florida Statutes, is amended to read:

76 20.435 Department of Health; trust funds.—The following
 77 trust funds shall be administered by the Department of Health:

78 (8) Biomedical Research Trust Fund.

79 (c) Notwithstanding s. 216.301 and pursuant to s. 216.351,
 80 any balance of any appropriation from the Biomedical Research
 81 Trust Fund which is not disbursed but which is obligated
 82 pursuant to contract or committed to be expended may be carried
 83 forward for up to 5 ~~3~~ years after ~~following~~ the effective date
 84 of the original appropriation.

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85 Section 2. Subsections (2), (3), (5), and (7) of section
86 215.5602, Florida Statutes, are amended, and subsection (13) is
87 added to that section, to read:

88 215.5602 James and Esther King Biomedical Research
89 Program.—

90 (2) Funds appropriated for the James and Esther King
91 Biomedical Research Program shall be used exclusively for the
92 award of grants and fellowships as established in this section;
93 for research relating to the prevention, diagnosis, treatment,
94 and cure of diseases related to tobacco use, including cancer,
95 cardiovascular disease, stroke, and pulmonary disease; ~~and~~ for
96 expenses incurred in the administration of this section; and as
97 provided in subsection (5). Priority shall be granted to
98 research designed to prevent or cure disease.

99 (3) There is created within the Department of Health the
100 Biomedical Research Advisory Council.

101 (a) The council shall consist of 12 ~~11~~ members, including:
102 the chief executive officer of the Florida Division of the
103 American Cancer Society, or a designee; the chief executive
104 officer of the Greater Southeast Florida/Puerto Rico ~~Florida/Puerto Rico~~ Affiliate
105 of the American Heart Association, or a designee; ~~and~~ the chief
106 executive officer of the American Lung Association of Florida,
107 or a designee; and the chief executive officer of BioFlorida, or
108 a designee. The remaining 8 members of the council shall be
109 appointed as follows:

110 1. The Governor shall appoint four members, two members
111 with expertise in the field of biomedical research, one member
112 from a research university in the state, and one member

113 | representing the general population of the state.

114 | 2. The President of the Senate shall appoint two members,
 115 | one member with expertise in the field of behavioral or social
 116 | research and one representative from a cancer program approved
 117 | by the American College of Surgeons.

118 | 3. The Speaker of the House of Representatives shall
 119 | appoint two members, one member from a professional medical
 120 | organization and one representative from a cancer program
 121 | approved by the American College of Surgeons.

122 |

123 | In making these appointments, the Governor, the President of the
 124 | Senate, and the Speaker of the House of Representatives shall
 125 | select primarily, but not exclusively, Floridians with
 126 | biomedical and lay expertise in the general areas of cancer,
 127 | cardiovascular disease, stroke, and pulmonary disease. The
 128 | appointments shall be for 4-year staggered terms ~~a 3-year term~~
 129 | and shall reflect the diversity of the state's population. An
 130 | appointed member may not serve more than two consecutive terms.
 131 | The first two appointments by the Governor and the first
 132 | appointment by the President of the Senate and the Speaker of
 133 | the House of Representatives on or after July 1, 2011, shall be
 134 | for a term of 2 years each.

135 | (b) The council shall adopt internal organizational
 136 | procedures as necessary for its efficient organization.

137 | (c) The department shall provide such staff, information,
 138 | and other assistance as is reasonably necessary to assist the
 139 | council in carrying out its responsibilities.

140 | (d) Members of the council shall serve without

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141 compensation, but may receive reimbursement as provided in s.
142 112.061 for travel and other necessary expenses incurred in the
143 performance of their official duties.

144 (5) (a) Applications for biomedical research funding under
145 the program may be submitted from any university or established
146 research institute in the state. All qualified investigators in
147 the state, regardless of institution affiliation, shall have
148 equal access and opportunity to compete for the research
149 funding.

150 (b) Grants and fellowships shall be awarded by the State
151 Surgeon General, after consultation with the council, on the
152 basis of scientific merit, as determined by an open competitive
153 peer review process that ensures objectivity, consistency, and
154 high quality. The following types of applications shall be
155 considered for funding:

- 156 1. Investigator-initiated research grants.
- 157 2. Institutional research and training grants.
- 158 3. Predoctoral and postdoctoral research fellowships.

159 (c) For any given year, the council may also recommend up
160 to one-third of the allocation for the program for the
161 recruitment of cancer, heart, or lung disease researchers and
162 research teams to institutions in the state; for operational
163 start-up grants for newly recruited cancer, heart, or lung
164 disease research teams; and for equipment expenditures related
165 to the expansion of cancer, heart, or lung disease research and
166 treatment capacity in the state. For the purposes of
167 implementing this paragraph, the council may develop a grant
168 application and review mechanism other than the process for

169 reviewing research proposals prescribed in subsection (6);
 170 however, such mechanism must ensure a fair and rigorous analysis
 171 of the merit of any proposals considered under this paragraph.

172 (7) The council and the peer review panel shall establish
 173 and follow rigorous guidelines for ethical conduct and adhere to
 174 a strict policy with regard to conflict of interest. A member of
 175 the council or panel may not participate in any council or panel
 176 discussion or decision with respect to a research proposal, or
 177 any proposal related to those projects contemplated in paragraph
 178 (5)(c), by any firm, entity, or agency with which the member is
 179 associated as a member of the governing body or as an employee,
 180 or with which the member has entered into a contractual
 181 arrangement. Meetings of the council and the peer review panels
 182 shall be subject to the provisions of chapter 119, s. 286.011,
 183 and s. 24, Art. I of the State Constitution.

184 (13) The Department of Health may accept gifts made
 185 unconditionally by will or otherwise, deposit them into the
 186 Biomedical Research Trust Fund, and use them for grant or
 187 fellowship awards in the program. Any gift made under conditions
 188 that, in the judgment of the department, upon consultation with
 189 the council, are proper and consistent with this section, the
 190 laws of the United States, and state law, may be accepted and
 191 shall be held, invested, reinvested, and used in accordance with
 192 the conditions of the gift.

193 Section 3. Section 381.922, Florida Statutes, is amended
 194 to read:

195 381.922 William G. "Bill" Bankhead, Jr., and David Coley
 196 Cancer Research Program.—

197 (1) The William G. "Bill" Bankhead, Jr., and David Coley
 198 Cancer Research Program, which may be otherwise cited as the
 199 "Bankhead-Coley Program," is created within the Department of
 200 Health. The purpose of the program shall be to advance progress
 201 towards cures for cancer using ~~through~~ grants awarded through a
 202 peer-reviewed, competitive process and to expand cancer research
 203 and treatment capacity in this state.

204 (2) The program shall provide grants for cancer research,
 205 including cancer clinical trials projects as provided in this
 206 section, to further the search for cures for cancer; for
 207 recruiting cancer researchers and research teams to institutions
 208 in the state; for operational start-up grants for newly
 209 recruited cancer researchers and research teams; or for
 210 equipment expenditures related to the expansion of cancer
 211 research and treatment capacity in the state.

212 (a) Emphasis shall be given to the following goals, as
 213 those goals support the advancement of such cures:

214 1. Efforts to significantly expand cancer research
 215 capacity in the state by:

216 a. Identifying ways to attract new research talent and
 217 attendant national grant-producing researchers to cancer
 218 research facilities in this state;

219 b. Implementing a peer-reviewed, competitive process to
 220 identify and fund the best proposals to expand cancer research
 221 institutes in this state;

222 c. Funding through available resources for those proposals
 223 that demonstrate the greatest opportunity to attract federal
 224 research grants and private financial support;

225 d. Encouraging the employment of bioinformatics in order
 226 to create a cancer informatics infrastructure that enhances
 227 information and resource exchange and integration through
 228 researchers working in diverse disciplines, to facilitate the
 229 full spectrum of cancer investigations;

230 e. Facilitating the technical coordination, business
 231 development, and support of intellectual property as it relates
 232 to the advancement of cancer research; and

233 f. Aiding in other multidisciplinary research-support
 234 activities as they inure to the advancement of cancer research.

235 2. Efforts to improve both research and treatment through
 236 greater participation in clinical trials networks by:

237 a. Identifying ways to increase adult enrollment in cancer
 238 clinical trials;

239 b. Supporting public and private professional education
 240 programs designed to increase the awareness and knowledge about
 241 cancer clinical trials;

242 c. Providing tools to cancer patients and community-based
 243 oncologists to aid in the identification of cancer clinical
 244 trials available in the state; and

245 d. Creating opportunities for the state's academic cancer
 246 centers to collaborate with community-based oncologists in
 247 cancer clinical trials networks.

248 3. Efforts to reduce the impact of cancer on disparate
 249 groups by:

250 a. Identifying those cancers that disproportionately
 251 impact certain demographic groups; and

252 b. Building collaborations designed to reduce health

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253 | disparities as they relate to cancer.

254 | (b) Preference may be given to grant proposals that foster
255 | collaborations among institutions, researchers, and community
256 | practitioners, as such proposals support the advancement of
257 | cures through basic or applied research, including clinical
258 | trials involving cancer patients and related networks and the
259 | transfer of knowledge gained from research into the practice of
260 | community practitioners.

261 | (3)(a) Applications for funding for cancer research may be
262 | submitted by any university or established research institute in
263 | the state. All qualified investigators in the state, regardless
264 | of institutional affiliation, shall have equal access and
265 | opportunity to compete for the research funding. Collaborative
266 | proposals, including those that advance the program's goals
267 | enumerated in subsection (2), may be given preference. Grants
268 | shall be awarded by the State Surgeon General, after
269 | consultation with the Biomedical Research Advisory Council
270 | established under s. 215.5602, on the basis of scientific merit,
271 | as determined by an open, competitive peer review process that
272 | ensures objectivity, consistency, and high quality. The
273 | following types of applications shall be considered for funding:

- 274 | 1. Investigator-initiated research grants.
- 275 | 2. Institutional research and training grants.
- 276 | 3. Predoctoral and postdoctoral research fellowships.
- 277 | ~~4.3.~~ Collaborative research grants, including those that
278 | advance the finding of cures through basic or applied research.
- 279 | 5. Clinical trial project grants, particularly those
280 | projects such as matching services that identify prospective

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281 clinical trials treatment options for cancer patients in this
282 state or those projects that otherwise foster greater rates of
283 participation in trials. At least one such grant shall be
284 awarded in any given year if a meritorious proposal or proposals
285 are received. Such project grant proposals are not required to
286 be posed as a research question in order to qualify for an
287 award.

288 (b) For any given year, the council may recommend up to
289 one-third of the allocation for grants by the program for the
290 recruitment of cancer researchers and research teams to
291 institutions in the state, for operational start-up grants for
292 newly recruited cancer researchers and research teams, or for
293 equipment expenditures related to the expansion of cancer
294 research and treatment capacity in the state. For the purposes
295 of implementing this paragraph, the council may develop a grant
296 application and review mechanism other than the process for
297 reviewing research proposals prescribed in paragraph (c);
298 however, such mechanism shall ensure a fair and rigorous
299 analysis of the merit of any proposals considered under this
300 paragraph.

301 (c) ~~(b)~~ In order to ensure that all proposals for research
302 funding are appropriate and are evaluated fairly on the basis of
303 scientific merit, the State Surgeon General, in consultation
304 with the council, shall appoint a peer review panel of
305 independent, scientifically qualified individuals to review the
306 scientific content of each proposal and establish its priority
307 score. The priority scores shall be forwarded to the council and
308 must be considered in determining which proposals shall be

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309 recommended for funding.

310 (d)~~(e)~~ The council and the peer review panel shall
311 establish and follow rigorous guidelines for ethical conduct and
312 adhere to a strict policy with regard to conflicts of interest.
313 A member of the council or panel may not participate in any
314 council or panel discussion or decision with respect to a
315 research proposal, or any proposal related to those projects
316 contemplated in paragraph (b), by any firm, entity, or agency
317 with which the member is associated as a member of the governing
318 body or as an employee or with which the member has entered into
319 a contractual arrangement. Meetings of the council and the peer
320 review panels are subject to chapter 119, s. 286.011, and s. 24,
321 Art. I of the State Constitution.

322 (4) By February 1 ~~December 15~~ of each year, the council
323 ~~Department of Health~~ shall submit to the Governor, the President
324 of the Senate, and the Speaker of the House of Representatives a
325 report indicating progress towards the program's mission and
326 making recommendations that further its purpose.

327 (5) The ~~William G. "Bill" Bankhead, Jr., and David Coley~~
328 ~~Cancer Research~~ program is funded pursuant to s. 215.5602(12).
329 Funds appropriated for the ~~William G. "Bill" Bankhead, Jr., and~~
330 ~~David Coley Cancer Research~~ program shall be distributed
331 pursuant to this section to provide grants to researchers
332 seeking cures for cancer and cancer-related illnesses, with
333 emphasis given to the goals enumerated in this section. From the
334 total funds appropriated, an amount of up to 10 percent may be
335 used for administrative expenses. From funds appropriated to
336 accomplish the goals of this section, up to \$250,000 shall be

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337 available for the operating costs of the Florida Center for
338 Universal Research to Eradicate Disease.

339 (6) The Department of Health may accept gifts made
340 unconditionally by will or otherwise, deposit them into the
341 Biomedical Research Trust Fund, and use them for grant or
342 fellowship awards in the program. Any gift made under conditions
343 that, in the judgment of the department, upon consultation with
344 the council, are proper and consistent with this section, the
345 laws of the United States, and state law, may be accepted and
346 shall be held, invested, reinvested, and used in accordance with
347 the conditions of the gift.

348 Section 4. Section 381.923, Florida Statutes, is created
349 to read:

350 381.923 Comprehensive Cancer Control.—

351 (1) SHORT TITLE.—This section may be cited as the "Florida
352 Comprehensive Cancer Control Act."

353 (2) LEGISLATIVE INTENT.—It is the finding of the
354 Legislature that:

355 (a) Advances in scientific knowledge have led to
356 prevention, early detection, and therapeutic capabilities in the
357 control of cancer. Such knowledge, screening technologies, and
358 therapies must be made available to all residents of this state.

359 (b) Research shows that certain lifestyles and exposures,
360 such as tobacco use, exposure to ultraviolet radiation from the
361 sun, and exposure to occupational and environmental carcinogens,
362 contribute to the risk for many types of cancer and that certain
363 screening tests are effective in diagnosing cancer early when it
364 is more treatable. The role of diet, exercise, and other healthy

365 lifestyles are also important in cancer prevention and control.
 366 Proven causes of cancer and methods for early detection should
 367 be publicized and be the subject of linguistically and
 368 culturally appropriate educational and awareness programs for
 369 the prevention of cancer.

370 (c) An effective cancer control program would mobilize the
 371 scientific, educational, and medical resources that presently
 372 exist into an intense attack against this dreaded disease, with
 373 the primary goal to reduce the cancer burden for the residents
 374 of this state.

375 (3) DEFINITIONS.—As used in this section, the term:

376 (a) "Cancer" means all malignant neoplasms, regardless of
 377 the tissue of origin, including lymphoma and leukemia.

378 (b) "Council" means the Florida Cancer Control and
 379 Resource Advisory Council.

380 (c) "Department" means the Department of Health.

381 (d) "Plan" means the Florida Cancer Plan.

382 (e) "Program" means the Florida Cancer Control
 383 Collaborative Program.

384 (f) "Qualified nonprofit association" means any
 385 association, incorporated or unincorporated, which has received
 386 tax-exempt status from the Internal Revenue Service.

387 (4) FLORIDA CANCER CONTROL AND RESOURCE ADVISORY COUNCIL;
 388 CREATION; COMPOSITION.—

389 (a) There is created within the H. Lee Moffitt Cancer
 390 Center and Research Institute, Inc., the Florida Cancer Control
 391 and Resource Advisory Council, which is an advisory body
 392 appointed to function on a continuing basis to recommend

393 solutions and policy alternatives to the Governor, members of
394 the Legislature, the State Surgeon General, and other
395 policymakers. The council shall consist of cancer organizational
396 representation and cancer control stakeholders, with a
397 chairperson elected by the council membership for a term of 2
398 years. Each council member must be a resident of this state. The
399 Governor shall appoint three members representing the general
400 public, with the initial appointments being for terms of 1 year,
401 2 years, and 3 years, respectively, beginning July 1, 2012.
402 Thereafter, gubernatorial appointments to the council shall be
403 for terms of 3 years. The President of the Senate and the
404 Speaker of the House of Representatives shall each appoint one
405 member from his or her legislative body to serve on the council
406 at any given time. Each of the following organizations shall
407 designate a representative to serve on the council:

- 408 1. H. Lee Moffitt Cancer Center and Research Institute,
409 Inc.
- 410 2. University of Florida Shands Cancer Center.
- 411 3. University of Miami Sylvester Comprehensive Cancer
412 Center.
- 413 4. Mayo Clinic, Florida.
- 414 5. M.D. Anderson Cancer Center, Florida.
- 415 6. American Cancer Society, Florida Division.
- 416 7. American Lung Association of the Southeast.
- 417 8. American Association for Retired Persons.
- 418 9. Department of Health.
- 419 10. Department of Education.
- 420 11. Florida Tumor Registrars Association.

- 421 12. Florida Cancer Data System.
- 422 13. Florida Society of Oncology Social Workers.
- 423 14. Florida Oncology Nurses Society.
- 424 15. Florida Society of Clinical Oncology.
- 425 16. Florida Association of Pediatric Tumor Programs, Inc.
- 426 17. Florida Medical Association.
- 427 18. Florida Hospital Association.
- 428 19. Florida Nursing Association.
- 429 20. Florida Dental Association.
- 430 21. Florida Osteopathic Association.
- 431 22. University of Florida College of Medicine.
- 432 23. Florida Academy of Family Physicians.
- 433 24. University of Miami College of Medicine.
- 434 25. University of South Florida College of Medicine.
- 435 26. Florida State University College of Medicine.
- 436 27. University of Central Florida College of Medicine.
- 437 28. Nova Southeastern College of Osteopathic Medicine.
- 438 29. Florida International University College of Medicine.
- 439 30. Lake Erie School of Osteopathic Medicine.
- 440 31. Biomedical Research Advisory Council.
- 441 32. Center for Universal Research to Eradicate Disease.
- 442 33. A representative from each of the regional cancer
 443 control collaboratives.

444 (b) An executive committee, which shall be responsible for
 445 coordinating the activities and planning the direction of the
 446 full council, shall be comprised of the council's elected
 447 chairperson, one at-large member elected by the full council,
 448 and the members representing the Department of Health, the

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449 American Cancer Society, the H. Lee Moffitt Cancer Center and
450 Research Institute, Inc., the University of Florida Shands
451 Cancer Center, and the University of Miami Sylvester
452 Comprehensive Cancer Center, as well as the appointee of the
453 President of the Senate, the appointee of the Speaker of the
454 House of Representatives, and one of the gubernatorial
455 appointees, who shall be designated by the council's
456 chairperson. If the council chairperson is a designee of one of
457 the entities named in this paragraph, the full council shall
458 elect a second at-large position to serve on the executive
459 committee. The elected positions on the executive committee
460 shall be for terms of 2 years.

461 (c) The council shall meet at least semiannually. A
462 majority of members shall constitute a quorum for the purpose of
463 exercising all of the powers of the council.

464 (d) The council members shall serve without compensation,
465 but are entitled to reimbursement for per diem and travel
466 expenses as provided in s. 112.061.

467 (e) A member of the council may not participate in any
468 council discussion or decision to recommend any type of award or
469 contract to any qualified nonprofit association or to any agency
470 of this state or a political subdivision of the state with which
471 the member is associated as an employee or as a member of the
472 governing body or with which the member has entered into a
473 contractual arrangement.

474 (f) The council may prescribe, amend, and repeal bylaws
475 governing the manner in which the business of the council is
476 conducted.

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477 (g) The council shall advise the Governor, the
478 Legislature, the State Surgeon General, and other state
479 policymakers with respect to cancer control and resources in
480 this state.

481 (h) The council shall approve a plan for cancer control,
482 to be known as the "Florida Cancer Control Plan," which shall be
483 consistent to the extent possible with other cancer or health-
484 related state plans and integrated and coordinated with existing
485 programs in this state. The council shall review and approve the
486 plan at least every 2 years.

487 (i) The council shall formulate and recommend to the
488 Governor, the Legislature, the State Surgeon General, and other
489 state policymakers a plan for the prevention and early detection
490 of cancer which is evidence-based and consistent with standards
491 of practice and supported by evidence-based medicine. The State
492 Surgeon General and other state policymakers shall consider the
493 plan in developing departmental priorities and funding
494 priorities and standards under chapter 385.

495 (j) The council shall provide expertise, input, and
496 recommendations regarding the content and development of the
497 Florida Cancer Plan and the coordination and integration of
498 other state plans concerning cancer control.

499 (k) The council may establish committees to develop
500 strategies for taking action regarding:

501 1. Cancer plan evaluation, including the creation of a
502 tumor registry, data retrieval systems, and the epidemiology of
503 cancer in the state.

504 2. Cancer prevention.

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505 3. Cancer detection.

506 4. Cancer treatments.

507 5. Support services for cancer patients and caregivers.

508 6. Cancer education for laypersons and professionals.

509 7. Other cancer-control-related topics.

510 (l) The council shall advise the State Surgeon General on
511 methods of enforcing and implementing laws already enacted that
512 relate to cancer control.

513 (m) The council may recommend to the State Surgeon General
514 rules consistent with law as it may deem necessary for the
515 performance of its duties and the proper administration of this
516 section.

517 (n) The council shall be physically located at the H. Lee
518 Moffitt Cancer Center and Research Institute, Inc.

519 (o) By December 1 of each year, the council shall report
520 its findings and recommendations to the Governor, the President
521 of the Senate, the Speaker of the House of Representatives, and
522 the State Surgeon General.

523 (p) Subject to specific appropriations by the Legislature,
524 the council shall develop or purchase standardized written
525 summaries, written in language easily understood by the average
526 adult, to inform persons who have or who are at high risk of
527 being diagnosed with breast cancer or who have prostate cancer
528 or are considering prostate cancer screening of the medically
529 viable treatment alternatives available to effectively manage
530 breast cancer or prostate cancer; describe treatment options;
531 and explain the advantages, disadvantages, and risks associated
532 with each treatment option. The summaries shall be printed in

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533 the form of a pamphlet or booklet and made continuously
534 available to physicians and surgeons in the state for their use
535 in accordance with s. 458.324 and to osteopathic physicians in
536 this state for their use in accordance with s. 459.0125. The
537 council shall periodically update both summaries to reflect
538 current standards of medical practice in the treatment of breast
539 cancer and prostate cancer.

540 (q) Subject to specific appropriations by the Legislature,
541 the council shall develop and implement educational programs,
542 including distribution of the summaries developed or purchased
543 under paragraph (p), to inform citizen groups, associations, and
544 voluntary organizations about early detection and treatment of
545 breast cancer and prostate cancer.

546 (5) RESPONSIBILITIES OF THE H. LEE MOFFITT CANCER CENTER
547 AND RESEARCH INSTITUTE, INC., AND THE DEPARTMENT OF HEALTH.—

548 (a) The H. Lee Moffitt Cancer Center and Research
549 Institute, Inc., shall provide a full-time executive director to
550 coordinate, facilitate, and communicate the mission and
551 responsibilities of the council. Additional administrative
552 support, information, and other assistance shall also be
553 provided as reasonably necessary for the completion of the
554 responsibilities of the council.

555 (b) The Department of Health, after consultation with the
556 council, may adopt rules necessary to administer this section.

557 (c) The Florida Cancer Plan is established within the
558 Department of Health. The department shall consult with the
559 council in developing the plan, prioritizing goals, and
560 allocating resources.

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561 (6) FLORIDA CANCER CONTROL COLLABORATIVE PROGRAM;
562 CREATION; COMPOSITION.—

563 (a) The Cancer Control Collaborative Program is
564 established within the Department of Health and resides within
565 the William G. "Bill" Bankhead, Jr., and David Coley Cancer
566 Research Program. The program is responsible for overseeing and
567 providing infrastructure for the state cancer collaborative
568 network. The primary mission of the program is to implement the
569 plan's initiatives and identify and facilitate the local
570 development of solutions to cancer control needs of the
571 populations served by the regional cancer control
572 collaboratives. The program shall prioritize programs and
573 resources to reduce the burden of cancer in this state,
574 consistent with the plan.

575 (b) The department shall appoint a director, who is
576 responsible for supervising the program, and provide, at a
577 minimum, centralized organization, communications, information
578 technology, shared resources, and cancer control expertise to
579 the regional cancer control collaboratives.

580 (c) Each regional cancer control collaborative shall bring
581 together local cancer stakeholders, develop bylaws, identify and
582 prioritize cancer control needs of its region, and develop
583 solutions to solve problems, consistent with the plan and the
584 goal of reducing the burden of cancer in this state. Each
585 collaborative shall meet at least semiannually and send
586 representation to the council meetings.

587 (d) By October 15 of each year, the program shall submit
588 an annual report to the council. The council shall have input

589 into the prioritization of programs and proposed allocation of
 590 resources in the program consistent with the plan.

591 (e) The program shall serve as the infrastructure for
 592 expansion or adaptation as federal programs or other
 593 opportunities arise for future cancer control initiatives. The
 594 development of the infrastructure for local cancer control
 595 collaboratives, to the extent possible, shall be designed to
 596 leverage opportunities for funding from the United States
 597 Centers for Disease Control and Prevention or other federal
 598 sources.

599 Section 5. Subsection (1) and paragraph (a) of subsection
 600 (2) of section 458.324, Florida Statutes, are amended to read:

601 458.324 Breast cancer; information on treatment
 602 alternatives.—

603 (1) DEFINITION.—As used in this section, the term
 604 "medically viable," as applied to treatment alternatives, means
 605 modes of treatment generally considered by the medical
 606 profession to be within the scope of current, acceptable
 607 standards, including treatment alternatives described in the
 608 written summary prepared by the Florida Cancer Control and
 609 Resource Research ~~Research~~ Advisory Council in accordance with s.
 610 381.923(4)(o) ~~1004.435(4)(m)~~.

611 (2) COMMUNICATION OF TREATMENT ALTERNATIVES.—Each
 612 physician treating a patient who is, or in the judgment of the
 613 physician is at high risk of being, diagnosed as having breast
 614 cancer shall inform such patient of the medically viable
 615 treatment alternatives available to such patient; shall describe
 616 such treatment alternatives; and shall explain the relative

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617 advantages, disadvantages, and risks associated with the
618 treatment alternatives to the extent deemed necessary to allow
619 the patient to make a prudent decision regarding such treatment
620 options. In compliance with this subsection:

621 (a) The physician may, in his or her discretion:

622 1. Orally communicate such information directly to the
623 patient or the patient's legal representative;

624 2. Provide the patient or the patient's legal
625 representative with a copy of the written summary prepared in
626 accordance with s. 381.923(4)(o) ~~1004.435(4)(m)~~ and express a
627 willingness to discuss the summary with the patient or the
628 patient's legal representative; or

629 3. Both communicate such information directly and provide
630 a copy of the written summary to the patient or the patient's
631 legal representative for further consideration and possible
632 later discussion.

633

634 Nothing in this subsection shall reduce other provisions of law
635 regarding informed consent.

636 Section 6. Subsection (1) and paragraph (a) of subsection
637 (2) of section 459.0125, Florida Statutes, are amended to read:

638 459.0125 Breast cancer; information on treatment
639 alternatives.—

640 (1) DEFINITION.—As used in this section, the term
641 "medically viable," as applied to treatment alternatives, means
642 modes of treatment generally considered by the medical
643 profession to be within the scope of current, acceptable
644 standards, including treatment alternatives described in the

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645 written summary prepared by the Florida Cancer Control and
646 Resource Research Advisory Council in accordance with s.
647 381.923(4)(o) ~~1004.435(4)(m)~~.

648 (2) COMMUNICATION OF TREATMENT ALTERNATIVES.—It is the
649 obligation of every physician treating a patient who is, or in
650 the judgment of the physician is at high risk of being,
651 diagnosed as having breast cancer to inform such patient of the
652 medically viable treatment alternatives available to such
653 patient; to describe such treatment alternatives; and to explain
654 the relative advantages, disadvantages, and risks associated
655 with the treatment alternatives to the extent deemed necessary
656 to allow the patient to make a prudent decision regarding such
657 treatment options. In compliance with this subsection:

658 (a) The physician may, in her or his discretion:

659 1. Orally communicate such information directly to the
660 patient or the patient's legal representative;

661 2. Provide the patient or the patient's legal
662 representative with a copy of the written summary prepared in
663 accordance with s. 381.923(4)(o) ~~1004.435(4)(m)~~ and express her
664 or his willingness to discuss the summary with the patient or
665 the patient's legal representative; or

666 3. Both communicate such information directly and provide
667 a copy of the written summary to the patient or the patient's
668 legal representative for further consideration and possible
669 later discussion.

670

671 Nothing in this subsection shall reduce other provisions of law
672 regarding informed consent.

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673 Section 7. Section 1004.435, Florida Statutes, is
674 repealed.
675 Section 8. This act shall take effect July 1, 2011.