

1 A bill to be entitled
2 An act relating to health care; amending ss. 20.435
3 and 215.5602, F.S.; conforming cross-references;
4 transferring, renumbering, and amending s. 381.91,
5 F.S., relating to the Jessie Trice Cancer Prevention
6 Program; transferring and renumbering s. 381.911,
7 F.S., relating to the Prostate Cancer Awareness
8 Program; transferring and renumbering s. 381.922,
9 F.S., relating to the William G. "Bill" Bankhead, Jr.,
10 and David Coley Cancer Research Program; transferring
11 and renumbering s. 381.93, F.S., relating to a breast
12 and cervical cancer early detection program;
13 transferring, renumbering, and amending s. 381.931,
14 F.S., relating to an annual report on Medicaid
15 expenditures; removing a provision limiting the number
16 of breast and cervical cancer screenings based on
17 projected Medicaid expenditures; transferring and
18 renumbering s. 381.9315, F.S., relating to gynecologic
19 and ovarian cancer education and awareness;
20 transferring, renumbering, and amending s. 381.932,
21 F.S., relating to the breast cancer early detection
22 and treatment referral program; renaming ch. 385,
23 F.S., as the "Healthy and Fit Florida Act"; amending
24 s. 385.101, F.S.; revising the short title; amending
25 s. 385.102, F.S.; revising legislative intent with
26 regard to chronic diseases and health promotion;
27 directing the Department of Health to establish,
28 promote, and maintain chronic disease and health

29 | promotion programs to the extent that funding is
30 | provided; creating s. 385.1021, F.S.; providing
31 | definitions; creating s. 385.1022, F.S.; requiring the
32 | department to support the creation of public health
33 | programs at the state and community levels to reduce
34 | the incidence of mortality and morbidity from chronic
35 | diseases; creating s. 385.1023, F.S.; requiring the
36 | department to create a state-level program to address
37 | the preventable risk factors associated with chronic
38 | diseases; requiring the program to perform certain
39 | activities; creating s. 385.1035, F.S.; requiring the
40 | department to develop and implement a community-level
41 | program for the prevention of chronic diseases and the
42 | promotion of health; providing the purpose of the
43 | program; providing requirements for the program;
44 | creating s. 385.104, F.S.; requiring the department to
45 | develop programs to promote physical fitness, healthy
46 | lifestyles, and weight control; requiring the
47 | department to promote programs to increase physical
48 | fitness and encourage healthy behavior changes;
49 | requiring the department to promote healthy lifestyles
50 | to reduce the rate of obesity and encourage weight
51 | control and weight reduction; requiring the department
52 | to promote personal responsibility and regular health
53 | visits; authorizing state agencies to conduct employee
54 | wellness programs; requiring the department to serve
55 | as a model for the development and implementation of
56 | wellness programs; requiring the department to assist

57 | state agencies in developing and implementing wellness
58 | programs; providing equal access to the programs by
59 | agency employees; requiring the department to
60 | coordinate efforts with the Department of Management
61 | Services and other state agencies; authorizing each
62 | state agency to establish an employee wellness
63 | workgroup to design the agency's wellness program;
64 | requiring the department to adopt rules to provide
65 | requirements for participation fees, collaboration
66 | with businesses, and procurement of equipment and
67 | incentives; amending s. 385.202, F.S.; requiring
68 | licensed laboratories and practitioners to report
69 | certain information to the department; removing a
70 | provision that provides for registration or licensure
71 | suspension or revocation for failure to comply with
72 | such requirements; providing immunity from liability
73 | for facilities, laboratories, and practitioners
74 | reporting certain information; authorizing the
75 | department to adopt rules regarding the establishment
76 | and operation of a statewide cancer registry program;
77 | permitting the department or contractual designee
78 | operating the statewide cancer registry program to use
79 | or publish information contained in the registry for
80 | the purpose of public health surveillance under
81 | certain circumstances; authorizing the department to
82 | exchange personal data with an agency or contractual
83 | designee for the purpose of public health surveillance
84 | under certain circumstances; authorizing additional

85 | uses for funds appropriated for the program;
 86 | clarifying that the department may adopt rules
 87 | regarding the classifications of facilities,
 88 | laboratories, and practitioners related to reports
 89 | made to the statewide cancer registry; removing an
 90 | exemption from reporting requirements for certain
 91 | facilities; requiring each facility, laboratory, and
 92 | practitioner that reports cancer cases to the
 93 | department to make their records available for onsite
 94 | review; amending s. 409.904, F.S.; conforming a cross-
 95 | reference; repealing part V of ch. 154, F.S., relating
 96 | to primary care for children and families; repealing
 97 | s. 381.0054, F.S., relating to the promotion of
 98 | healthy lifestyles; repealing ss. 381.732 and 381.733,
 99 | F.S., relating to the Healthy Communities, Healthy
 100 | People Act; repealing s. 381.734, F.S., relating to
 101 | the Healthy Communities, Healthy People Program;
 102 | repealing s. 381.87, F.S., relating to the
 103 | Osteoporosis Prevention and Education Program;
 104 | repealing s. 385.103, F.S., relating to community
 105 | intervention programs; providing an effective date.

107 | WHEREAS, chronic diseases, not infectious diseases, are the
 108 | leading causes of death, accounting for 70 percent of all deaths
 109 | in the United States, and

110 | WHEREAS, heart disease and stroke have remained the first
 111 | and third leading causes of death in the United States for more
 112 | than 7 decades and are responsible for approximately one-third

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113 | of total deaths each year in this state, and

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

116 | WHEREAS, lung disease is the fourth leading cause of death
117 | and is responsible for one in every six deaths in this state,
118 | and

119 | WHEREAS, diabetes is the sixth leading cause of death in
120 | this state, and

121 | WHEREAS, oral disease, specifically dental caries, commonly
122 | known as tooth decay, is the single most common chronic disease
123 | in children which is not self-limiting or amenable to a short-
124 | term course of antibiotics, despite the fact that dental caries
125 | is usually preventable, and

126 | WHEREAS, arthritis is the leading cause of disability in
127 | the United States, limiting the daily activities of more than
128 | 1.7 million people in this state alone, NOW, THEREFORE,

129 |

130 | Be It Enacted by the Legislature of the State of Florida:

131 |

132 | Section 1. Paragraph (a) of subsection (8) of section
133 | 20.435, Florida Statutes, is amended to read:

134 | 20.435 Department of Health; trust funds.—The following
135 | trust funds shall be administered by the Department of Health:

136 | (8) Biomedical Research Trust Fund.

137 | (a) Funds to be credited to the trust fund shall consist
138 | of funds deposited pursuant to s. 215.5601 and any other funds
139 | appropriated by the Legislature. Funds shall be used for the
140 | purposes of the James and Esther King Biomedical Research

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141 Program and the William G. "Bill" Bankhead, Jr., and David Coley
 142 Cancer Research Program as specified in ss. 215.5602, 288.955,
 143 and 385.20252 ~~381.922~~. The trust fund is exempt from the service
 144 charges imposed by s. 215.20.

145 Section 2. Subsections (11) and (12) of section 215.5602,
 146 Florida Statutes, are amended to read:

147 215.5602 James and Esther King Biomedical Research
 148 Program.—

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

152 (12) From funds appropriated to accomplish the goals of
 153 this section, up to \$250,000 shall be available for the
 154 operating costs of the Florida Center for Universal Research to
 155 Eradicate Disease. Beginning in the 2011-2012 fiscal year and
 156 thereafter, \$25 million from the revenue deposited into the
 157 Health Care Trust Fund pursuant to ss. 210.011(9) and 210.276(7)
 158 shall be reserved for research of tobacco-related or cancer-
 159 related illnesses. Of the revenue deposited in the Health Care
 160 Trust Fund pursuant to this section, \$25 million shall be
 161 transferred to the Biomedical Research Trust Fund within the
 162 Department of Health. Subject to annual appropriations in the
 163 General Appropriations Act, \$5 million shall be appropriated to
 164 the James and Esther King Biomedical Research Program, \$5
 165 million shall be appropriated to the William G. "Bill" Bankhead,
 166 Jr., and David Coley Cancer Research Program created under s.
 167 385.20252 ~~381.922~~, \$5 million shall be appropriated to the H.
 168 Lee Moffitt Cancer Center and Research Institute established

169 under s. 1004.43, \$5 million shall be appropriated to the
 170 Sylvester Comprehensive Cancer Center of the University of
 171 Miami, and \$5 million shall be appropriated to the University of
 172 Florida Shands Cancer Center.

173 Section 3. Section 381.91, Florida Statutes, is
 174 transferred, renumbered as section 385.2023, Florida Statutes,
 175 and amended to read:

176 385.2023 ~~381.91~~ Jessie Trice Cancer Prevention Program.—

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

178 (a) Reduce the rates of illness and death from lung cancer
 179 and other cancers and improve the quality of life among low-
 180 income African-American and Hispanic populations through
 181 increased access to early, effective screening and diagnosis,
 182 education, and treatment programs.

183 (b) Create a community faith-based disease-prevention
 184 program in conjunction with the Health Choice Network and other
 185 community health centers to build upon the natural referral and
 186 education networks in place within minority communities and to
 187 increase access to health service delivery in this state
 188 ~~Florida~~.

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

191 (2) (a) There is created the Jessie Trice Cancer Prevention
 192 Program, to be located, for administrative purposes, within the
 193 Department of Health, and operated from the community health
 194 centers within the Health Choice Network in this state ~~Florida~~.

195 (b) Funding may be provided to develop contracts with
 196 community health centers and local community faith-based

197 education programs to provide cancer screening, diagnosis,
 198 education, and treatment services to low-income populations
 199 throughout the state.

200 Section 4. Section 381.911, Florida Statutes, is
 201 transferred and renumbered as section 385.2024, Florida
 202 Statutes, to read:

203 385.2024 ~~381.911~~ Prostate Cancer Awareness Program.—

204 (1) The purpose of this program is to provide statewide
 205 outreach, promote prostate cancer awareness, communicate the
 206 advantages of early detection, report recent progress in
 207 prostate cancer research and the availability of clinical
 208 trials, minimize health disparities through outreach and
 209 education, communicate best practices principles to physicians
 210 involved in the care of prostate cancer patients, and establish
 211 a communication platform for patients and their advocates.

212 (2) For purposes of implementing the program, the
 213 University of Florida Prostate Disease Center may work with
 214 other agencies, organizations, and institutions to create a
 215 systematic approach to community education and increase public
 216 awareness regarding prostate cancer by:

217 (a) Conducting activities directly or entering into a
 218 contract with qualified nonprofit community education entities.

219 (b) Seeking any available gifts, private grants, or funds
 220 from the Federal Government, philanthropic foundations, and
 221 industry or business groups.

222 (3) The University of Florida Prostate Disease Center
 223 (UFPDC) shall establish the UFPDC Prostate Cancer Advisory
 224 Council and lead the advisory council in developing and

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225 implementing strategies to improve outreach and education and
 226 thereby reduce the number of patients who develop prostate
 227 cancer.

228 (a) The executive director of the University of Florida
 229 Prostate Disease Center shall appoint, in consultation with the
 230 Department of Health's Comprehensive Cancer Control Program and
 231 the State Surgeon General, a geographically and institutionally
 232 diverse advisory council, which shall consist of:

233 1. Two persons from prostate cancer survivor groups or
 234 cancer-related advocacy groups.

235 2. Four persons, one of whom is a physician licensed under
 236 chapter 458, one of whom is a physician licensed under chapter
 237 459, one of whom is a scientist, and one of whom is the
 238 executive director of the University of Florida Prostate Disease
 239 Center or a designee.

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

243 (b) Members shall serve as volunteers without
 244 compensation.

245 (c) Each member of the advisory council shall be appointed
 246 to a 4-year term; however, for the purpose of providing
 247 staggered terms, of the initial appointments, four members shall
 248 be appointed to 2-year terms and four members shall be appointed
 249 to 4-year terms. The remaining seat shall be filled by the
 250 executive director of the University of Florida Prostate Disease
 251 Center or a designee.

252 (d) The advisory council shall meet annually and at other

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253 times at the call of the executive director of the University of
254 Florida Prostate Disease Center or by a majority vote of the
255 members of the advisory council.

256 (e) Five of the members of the advisory council constitute
257 a quorum, and an affirmative vote of a majority of the members
258 present is required for final action.

259 (f) The advisory council shall:

260 1. Present prostate-cancer-related policy recommendations
261 to the Department of Health and other appropriate governmental
262 entities.

263 2. Assess the accuracy of prostate cancer information
264 disseminated to the public.

265 3. Develop effective communication channels among all
266 private and public entities in the state involved in prostate
267 cancer education, research, treatment, and patient advocacy.

268 4. Plan, develop, and implement activities designed to
269 heighten awareness and educate residents of the state,
270 especially those in underserved areas, regarding the importance
271 of prostate cancer awareness.

272 5. Disseminate information about recent progress in
273 prostate cancer research and the availability of clinical
274 trials.

275 6. Minimize health disparities through outreach and
276 education.

277 7. Communicate best practices principles to physicians
278 involved in the care of patients with prostate cancer.

279 8. Establish a communication platform for patients and
280 their advocates.

281 9. Solicit private grants or philanthropic funding to
 282 conduct an annual prostate cancer symposium that brings
 283 physicians, researchers, community leaders, prostate cancer
 284 survivors, and prostate cancer advocates together to highlight
 285 recent advances in prostate cancer research, clinical trials,
 286 and best practices used for the prevention of prostate cancer
 287 and to promote strategies for successful rural and urban
 288 outreach, community education, and increased awareness.

289 10. Submit and present an annual report to the Governor,
 290 the President of the Senate, the Speaker of the House of
 291 Representatives, and the State Surgeon General by January 15,
 292 2012, and by January 15 of each following year, which contains
 293 recommendations for legislative changes necessary to decrease
 294 the incidence of prostate cancer, decrease racial and ethnic
 295 disparities among persons diagnosed with prostate cancer, and
 296 promote increased community education and awareness regarding
 297 this disease.

298 (4) The University of Florida Prostate Disease Center
 299 (UFPDC) and the UFPDC Prostate Cancer Advisory Council shall be
 300 funded within existing resources of the university.

301 Section 5. Section 381.922, Florida Statutes, is
 302 transferred and renumbered as section 385.20252, Florida
 303 Statutes, to read:

304 385.20252 ~~381.922~~ William G. "Bill" Bankhead, Jr., and
 305 David Coley Cancer Research Program.—

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

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

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

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

316 1. Efforts to significantly expand cancer research
317 capacity in the state by:

318 a. Identifying ways to attract new research talent and
319 attendant national grant-producing researchers to cancer
320 research facilities in this state;

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

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

327 d. Encouraging the employment of bioinformatics in order
328 to create a cancer informatics infrastructure that enhances
329 information and resource exchange and integration through
330 researchers working in diverse disciplines, to facilitate the
331 full spectrum of cancer investigations;

332 e. Facilitating the technical coordination, business
333 development, and support of intellectual property as it relates
334 to the advancement of cancer research; and

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

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- 337 2. Efforts to improve both research and treatment through
338 greater participation in clinical trials networks by:
- 339 a. Identifying ways to increase adult enrollment in cancer
340 clinical trials;
- 341 b. Supporting public and private professional education
342 programs designed to increase the awareness and knowledge about
343 cancer clinical trials;
- 344 c. Providing tools to cancer patients and community-based
345 oncologists to aid in the identification of cancer clinical
346 trials available in the state; and
- 347 d. Creating opportunities for the state's academic cancer
348 centers to collaborate with community-based oncologists in
349 cancer clinical trials networks.
- 350 3. Efforts to reduce the impact of cancer on disparate
351 groups by:
- 352 a. Identifying those cancers that disproportionately
353 impact certain demographic groups; and
- 354 b. Building collaborations designed to reduce health
355 disparities as they relate to cancer.
- 356 (b) Preference may be given to grant proposals that foster
357 collaborations among institutions, researchers, and community
358 practitioners, as such proposals support the advancement of
359 cures through basic or applied research, including clinical
360 trials involving cancer patients and related networks.
- 361 (3)(a) Applications for funding for cancer research may be
362 submitted by any university or established research institute in
363 the state. All qualified investigators in the state, regardless
364 of institutional affiliation, shall have equal access and

365 opportunity to compete for the research funding. Collaborative
366 proposals, including those that advance the program's goals
367 enumerated in subsection (2), may be given preference. Grants
368 shall be awarded by the State Surgeon General, after
369 consultation with the Biomedical Research Advisory Council, on
370 the basis of scientific merit, as determined by an open,
371 competitive peer review process that ensures objectivity,
372 consistency, and high quality. The following types of
373 applications shall be considered for funding:

- 374 1. Investigator-initiated research grants.
- 375 2. Institutional research grants.
- 376 3. Collaborative research grants, including those that
377 advance the finding of cures through basic or applied research.

378 (b) In order to ensure that all proposals for research
379 funding are appropriate and are evaluated fairly on the basis of
380 scientific merit, the State Surgeon General, in consultation
381 with the council, shall appoint a peer review panel of
382 independent, scientifically qualified individuals to review the
383 scientific content of each proposal and establish its priority
384 score. The priority scores shall be forwarded to the council and
385 must be considered in determining which proposals shall be
386 recommended for funding.

387 (c) The council and the peer review panel shall establish
388 and follow rigorous guidelines for ethical conduct and adhere to
389 a strict policy with regard to conflicts of interest. A member
390 of the council or panel may not participate in any discussion or
391 decision with respect to a research proposal by any firm,
392 entity, or agency with which the member is associated as a

393 member of the governing body or as an employee or with which the
 394 member has entered into a contractual arrangement. Meetings of
 395 the council and the peer review panels are subject to chapter
 396 119, s. 286.011, and s. 24, Art. I of the State Constitution.

397 (4) By December 15 of each year, the Department of Health
 398 shall submit to the Governor, the President of the Senate, and
 399 the Speaker of the House of Representatives a report indicating
 400 progress towards the program's mission and making
 401 recommendations that further its purpose.

402 (5) The William G. "Bill" Bankhead, Jr., and David Coley
 403 Cancer Research Program is funded pursuant to s. 215.5602(12).
 404 Funds appropriated for the William G. "Bill" Bankhead, Jr., and
 405 David Coley Cancer Research Program shall be distributed
 406 pursuant to this section to provide grants to researchers
 407 seeking cures for cancer and cancer-related illnesses, with
 408 emphasis given to the goals enumerated in this section. From the
 409 total funds appropriated, an amount of up to 10 percent may be
 410 used for administrative expenses. From funds appropriated to
 411 accomplish the goals of this section, up to \$250,000 shall be
 412 available for the operating costs of the Florida Center for
 413 Universal Research to Eradicate Disease.

414 Section 6. Section 381.93, Florida Statutes, is
 415 transferred and renumbered as section 385.20253, Florida
 416 Statutes, to read:

417 385.20253 ~~381.93~~ Breast and cervical cancer early
 418 detection program.—This section may be cited as the "Mary Brogan
 419 Breast and Cervical Cancer Early Detection Program Act."

420 (1) It is the intent of the Legislature to reduce the

421 rates of death due to breast and cervical cancer through early
 422 diagnosis and increased access to early screening, diagnosis,
 423 and treatment programs.

424 (2) The Department of Health, using available federal
 425 funds and state funds appropriated for that purpose, is
 426 authorized to establish the Mary Brogan Breast and Cervical
 427 Cancer Screening and Early Detection Program to provide
 428 screening, diagnosis, evaluation, treatment, case management,
 429 and followup and referral to the Agency for Health Care
 430 Administration for coverage of treatment services.

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

436 (4) The department shall limit enrollment in the program
 437 to persons with incomes up to and including 200 percent of the
 438 federal poverty level. The department shall establish an
 439 eligibility process that includes an income-verification process
 440 to ensure that persons served under the program meet income
 441 guidelines.

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

445 Section 7. Section 381.931, Florida Statutes, is
 446 transferred, renumbered as section 385.20254, Florida Statutes,
 447 and amended to read:

448 385.20254 ~~381.931~~ Annual report on Medicaid expenditures.-

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449 The Department of Health and the Agency for Health Care
450 Administration shall monitor the total Medicaid expenditures for
451 services made under this act. ~~If Medicaid expenditures are~~
452 ~~projected to exceed the amount appropriated by the Legislature,~~
453 ~~the Department of Health shall limit the number of screenings to~~
454 ~~ensure Medicaid expenditures do not exceed the amount~~
455 ~~appropriated.~~

456 Section 8. Section 381.9315, Florida Statutes, is
457 transferred and renumbered as section 385.20255, Florida
458 Statutes, to read:

459 385.20255 ~~381.9315~~ Gynecologic and ovarian cancer
460 education and awareness.—

461 (1) This section may be cited as the "Kelly Smith
462 Gynecologic and Ovarian Cancer Education and Awareness Act."

463 (2) The department shall encourage health care providers,
464 including, but not limited to, hospitals, birthing facilities,
465 county health departments, physicians, midwives, and nurses, to
466 disseminate and display information about gynecologic cancers,
467 including the signs and symptoms, risk factors, benefits of
468 early detection through appropriate diagnostic testing, and
469 treatment options.

470 (3) The department shall encourage women to discuss the
471 risks of gynecologic cancers with their health care providers.

472 (4) The State Surgeon General shall make publicly
473 available, by posting on the Internet website of the Department
474 of Health, resources and an Internet website link to the federal
475 Centers for Disease Control and Prevention website for
476 gynecologic cancer information.

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477 (5) The department is encouraged to seek any available
478 grants from private or federal sources to promote gynecologic
479 cancer awareness, including, but not limited to, early warning
480 signs and risk factors associated with gynecologic cancers.

481 (6) The department is encouraged to collaborate with other
482 agencies, organizations, and institutions to create a systematic
483 approach to increasing public awareness regarding gynecologic
484 cancers.

485 Section 9. Section 381.932, Florida Statutes, is
486 transferred, renumbered as section 385.20256, Florida Statutes,
487 and amended to read:

488 385.20256 ~~381.932~~ Breast cancer early detection and
489 treatment referral program.—

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

491 (a) "Breast cancer screening and referral services" means
492 necessary breast cancer screening and referral services for a
493 procedure intended to treat cancer of the human breast,
494 including, but not limited to, surgery, radiation therapy,
495 chemotherapy, hormonal therapy, and related medical followup
496 services.

497 (b) "Unserved or underserved populations" means women who
498 are:

499 1. At or below 200 percent of the federal poverty level
500 for individuals;

501 2. Without health insurance that covers breast cancer
502 screenings; and

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

504 (2) There is established, within existing or specific

505 appropriations, a breast cancer early detection and treatment
 506 referral program within the Department of Health. The purposes
 507 of the program are to:

508 (a) Promote referrals for the screening, detection, and
 509 treatment of breast cancer among unserved or underserved
 510 populations.

511 (b) Educate the public regarding breast cancer and the
 512 benefits of early detection.

513 (c) Provide referral services for persons seeking
 514 treatment.

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

517 (a) Establishment of a public education and outreach
 518 initiative to publicize breast cancer early detection services,
 519 the benefits of early detection of breast cancer, and the
 520 recommended frequency for receiving screening services,
 521 including clinical breast examinations and mammography
 522 guidelines established by the United States Preventive Services
 523 Task Force.

524 (b) Development of professional education programs that
 525 include information regarding the benefits of the early
 526 detection of breast cancer and the recommended frequency for
 527 receiving a mammogram, as recommended in the most current breast
 528 cancer screening guidelines established by the United States
 529 Preventive Services Task Force.

530 (c) Establishment of a system to track and monitor all
 531 women screened for breast cancer in the program. The system
 532 shall include, but is not ~~be~~ limited to, monitoring abnormal

533 screening tests, referring women for treatment when needed, and
 534 tracking women to be screened at recommended screening
 535 intervals.

536 (4) The State Surgeon General shall submit an annual
 537 report to the appropriate substantive committees of the
 538 Legislature. The report shall include, but is not ~~be~~ limited to,
 539 a description of the rate of breast cancer morbidity and
 540 mortality in the state and the extent to which women are
 541 participating in breast cancer screening as reported by the
 542 Behavioral Risk Factor Surveillance System.

543 Section 10. Chapter 385, Florida Statutes, entitled
 544 "Chronic Diseases," is renamed the "Healthy and Fit Florida
 545 Act."

546 Section 11. Section 385.101, Florida Statutes, is amended
 547 to read:

548 385.101 Short title.—This chapter ~~Sections 385.101–385.103~~
 549 may be cited as the "Healthy and Fit Florida Chronic Diseases
 550 Act."

551 Section 12. Section 385.102, Florida Statutes, is amended
 552 to read:

553 385.102 Legislative intent; department duties.—

554 (1) ~~It is the finding of~~ The Legislature finds that:

555 (a)(1) Chronic diseases continue to be the leading causes
 556 of death and disability in the state and the nation ~~exist in~~
 557 ~~high proportions among the people of this state. These Chronic~~
 558 diseases include, but are not limited to, arthritis,
 559 cardiovascular disease ~~heart disease, hypertension,~~ diabetes,
 560 renal disease, oral diseases, cancer, and ~~chronic obstructive~~

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561 lung disease, including chronic obstructive pulmonary disease
562 and asthma. These diseases ~~are~~ often have the same preventable
563 risk factors and interrelated, ~~and they directly and indirectly~~
564 account for a high rate of death and disability, which results
565 in higher costs to the state's health care system illness.

566 (b) Chronic diseases have a significant impact on quality
567 of life, not only for the individuals who experience the painful
568 symptoms and resulting disabilities, but also for family members
569 and caregivers.

570 (c) Racial and ethnic minorities and other underserved
571 populations are disproportionately affected by chronic diseases.

572 (d) Chronic diseases and the complications associated with
573 these diseases result in increased medical costs and lost wages.

574 (e) ~~(2)~~ Advances in medical knowledge and technology assist
575 have assisted in the prevention, detection, and management of
576 chronic diseases. Comprehensive approaches that stress the
577 stresssing application of current medical treatment, continuing
578 research, professional training, and patient education, and
579 state and local policy and environmental changes should be
580 implemented encouraged.

581 (f) ~~(3)~~ A comprehensive program dealing with the early
582 detection and prevention of chronic diseases is required to make
583 knowledge and therapy available to all people of this state. The
584 mobilization of scientific, medical, and educational resources
585 and the implementation of state and local policies relating to
586 chronic diseases under one comprehensive law chronic disease act
587 will facilitate the prevention, early intervention, and
588 management of chronic and treatment of these diseases and their

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589 symptoms. This integration of resources and policy will ~~and~~
590 result in a decline in death and disability ~~illness~~ among the
591 people of this state.

592 (2) The department shall establish, promote, and maintain
593 programs at the state and community levels for chronic disease
594 prevention and health promotion as described in this chapter to
595 the extent that funds are specifically made available for this
596 purpose.

597 Section 13. Section 385.1021, Florida Statutes, is created
598 to read:

599 385.1021 Definitions.—As used in this chapter, the term:

600 (1) "Best and promising practices" means specific
601 activities used to effect change, which may include guidelines
602 developed by organizations, volunteer scientists, and health
603 care professionals who have published medical or scientific
604 articles on topics relating to chronic diseases in a generally
605 available scientific journal that has a rigorous review and
606 approval process.

607 (2) "Chronic disease" means an illness that is prolonged,
608 does not resolve spontaneously, and is rarely cured completely.

609 (3) "Department" means the Department of Health.

610 (4) "Environmental changes" means alterations to the
611 economic, social, or physical natural or built environment that
612 encourage or enable healthy behavior.

613 (5) "Evidence-based" means the preferential use of
614 physical, mental, and behavioral health interventions for which
615 systematic empirical research has provided evidence of
616 statistically significant effectiveness as treatments for

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617 specific problems.

618 (6) "Policy change" means altering an informal or formal
619 agreement between the public or private sector to identify
620 values, behaviors, or resource allocation in order to improve
621 health.

622 (7) "Risk factor" means a characteristic or condition
623 identified during the course of an epidemiological study of a
624 disease which appears to be statistically associated with a high
625 incidence of that disease.

626 (8) "System change" means altering standard activities,
627 protocols, policies, processes, and structures carried out in
628 population-based settings, such as schools, worksites, health
629 care facilities, faith-based organizations, and the overall
630 community, which promote and support new behaviors.

631 (9) "Wellness program" means a structured program that is
632 designed or approved by the department to offer intervention
633 activities on or off the worksite which help state and local
634 government employees change certain behaviors or adopt healthy
635 lifestyles.

636 Section 14. Section 385.1022, Florida Statutes, is created
637 to read:

638 385.1022 Chronic disease prevention and health promotion
639 program.—The department shall support the creation of public
640 health programs at the state and community levels in order to
641 reduce the incidence of mortality and morbidity from chronic
642 diseases for which risk factors can be identified. Such risk
643 factors include, but are not limited to, being overweight or
644 obese, physical inactivity, poor diet and nutrition habits, sun

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645 exposure, poor oral hygiene, and other practices that are
646 detrimental to health.

647 Section 15. Section 385.1023, Florida Statutes, is created
648 to read:

649 385.1023 State-level program for chronic disease
650 prevention.—The department shall create a state-level program
651 that promotes healthy lifestyles and prevents chronic diseases
652 and disabilities caused by chronic diseases. The program must
653 address preventable chronic disease risk factors, such as being
654 overweight or obese, physical inactivity, poor diet and
655 nutrition habits, sun exposure, poor oral hygiene, and other
656 practices that are detrimental to health, in order to decrease
657 the incidence of arthritis, cancer, diabetes, heart disease,
658 lung disease, including chronic obstructive pulmonary disease
659 and asthma, stroke, and other chronic diseases. The state-level
660 program must include, but is not limited to:

661 (1) Monitoring specific causal and behavioral risk factors
662 that affect the health of residents of this state.

663 (2) Analyzing data regarding chronic disease mortality and
664 morbidity to track changes.

665 (3) Disseminating educational materials and information
666 concerning evidence-based results, available services, and
667 pertinent new research findings and prevention strategies to
668 patients, health insurers, health professionals, and the public.

669 (4) Increasing awareness among state and local officials
670 involved in health and human services, health professionals and
671 providers, and policymakers regarding evidence-based chronic
672 disease prevention, treatment strategies, and benefits for

673 persons who have chronic diseases.

674 (5) Developing a partnership with state and local
 675 governments, voluntary health organizations, hospitals, health
 676 insurers, universities, medical centers, faith-based
 677 organizations, employer groups, private companies, and health
 678 care providers to address the issue of chronic diseases in this
 679 state.

680 (6) Evaluating the quality and accessibility of existing
 681 community-based services for persons who have chronic diseases.

682 (7) Implementing and coordinating state-level policies in
 683 order to reduce the impact of chronic diseases.

684 (8) Maximizing all local, state, and federal funding
 685 sources, including seeking grants, public-private partnerships,
 686 and other mechanisms, to strengthen the department's programs
 687 that promote physical activity and nutrition.

688 (9) Providing lasting improvements in the delivery of
 689 health care for individuals who have chronic diseases and their
 690 families, thus improving their quality of life while also
 691 containing health care costs.

692 Section 16. Section 385.1035, Florida Statutes, is created
 693 to read:

694 385.1035 Community-level program for chronic disease
 695 prevention and health promotion.—The department shall develop
 696 and implement a comprehensive, community-level program for
 697 chronic disease prevention and health promotion. The program
 698 shall be designed to reduce major behavioral risk factors
 699 associated with chronic diseases by enhancing knowledge, skills,
 700 motivation, and opportunities to enable individuals,

701 organizations, health care providers, small businesses, health
 702 insurers, and communities to develop and maintain healthy
 703 lifestyles. A community-level program for chronic disease
 704 prevention and health promotion must include, but is not limited
 705 to:

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

709 (2) A method of soliciting community input into the
 710 planning, implementation, and evaluation processes.

711 (3) The use of local and statewide data as a basis for
 712 decisionmaking and the development and prioritization of
 713 community-based interventions focused on the risk factors
 714 associated with chronic diseases.

715 (4) The development and implementation of interventions
 716 and activities through community organizations, schools,
 717 worksites, faith-based organizations, and health care settings.

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

720 (6) The use of policy changes, system changes, and
 721 environmental changes that support healthy behaviors in order to
 722 affect large segments of the population and encourage healthy
 723 choices.

724 Section 17. Section 385.104, Florida Statutes, is created
 725 to read:

726 385.104 Physical activity, obesity prevention, nutrition,
 727 and other health-promotion services and wellness programs.—

728 (1) PHYSICAL ACTIVITY.—The department shall promote

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729 programs for people at every stage of their lives to increase
730 physical fitness and encourage healthy behavior changes by:

731 (a) Working with school health advisory committees in each
732 school district as established in s. 381.0056 to encourage the
733 physical activity of students, staff, and teachers.

734 (b) Developing public and private partnerships that allow
735 the public to easily access recreational facilities and public
736 land areas that are suitable for physical activity.

737 (c) Collaborating with the Department of Education in
738 recognizing nationally accepted best practices for improving
739 physical education in schools.

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

744 (a) Using all appropriate media to promote maximum public
745 awareness of the latest research on healthy lifestyles and
746 chronic diseases and disseminating relevant information relating
747 to wellness, physical activity, and nutrition and the effect of
748 these factors on chronic diseases and disabling conditions
749 through a statewide clearinghouse.

750 (b) Providing technical assistance, training, and
751 resources on healthy lifestyles and chronic diseases to the
752 public, health care providers, school districts, and other
753 persons or entities, including faith-based organizations, that
754 request such assistance to promote physical activity, nutrition,
755 and healthy lifestyle programs.

756 (c) Developing, implementing, and using all available

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757 research methods to collect data, including, but not limited to,
758 population-specific data, and tracking the incidence and effects
759 of weight gain, obesity, and related chronic diseases. All
760 research conducted under this paragraph is subject to review and
761 approval as required by the department's Institutional Review
762 Board under s. 381.86.

763 (d) Entering into partnerships with the Department of
764 Education, local communities, school districts, and other
765 entities to encourage schools in the state to promote activities
766 during and after school to help students meet a minimum goal of
767 30 minutes of physical fitness activities per day.

768 (e) Collaborating with other state agencies to develop
769 policies and strategies for preventing and treating obesity,
770 which shall be incorporated into programs administered by each
771 agency and shall include promoting healthy lifestyles among the
772 employees of each agency.

773 (f) Advising, in accordance with s. 456.081, health care
774 practitioners about the morbidity, mortality, and costs
775 associated with being overweight or obese; informing
776 practitioners of promising clinical practices for preventing and
777 treating obesity; and encouraging practitioners to counsel their
778 patients regarding the adoption of healthy lifestyles.

779 (g) Maximizing all local, state, and federal funding
780 sources, including seeking grants, public-private partnerships,
781 and other mechanisms, to strengthen the department's programs
782 that promote physical activity and nutrition.

783 (3) OTHER HEALTH PROMOTION SERVICES.—The department shall:

784 (a) Promote personal responsibility by encouraging

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785 residents of this state to be informed, follow health
786 recommendations, seek medical consultations and health
787 assessments, and comply with medical guidelines, including those
788 that lead to earlier detection of chronic diseases, in order to
789 prevent chronic diseases or slow the progression of established
790 chronic diseases.

791 (b) Promote regular health visits during a person's
792 lifetime, including annual physical examinations that include
793 measuring body mass index and vital signs, blood work,
794 immunizations, screenings, and dental examinations, in order to
795 reduce the financial, social, and personal burden of chronic
796 disease.

797 (4) WELLNESS PROGRAMS.—

798 (a) Each state agency may conduct employee wellness
799 programs in buildings and on lands owned or leased by the state.
800 The department shall serve as a model for the development and
801 implementation of employee wellness programs that may include
802 physical fitness, healthy nutrition, self-management of disease,
803 wellness and fitness education, and behavioral change elements.
804 The department shall assist other state agencies in developing
805 and implementing employee wellness programs. These programs
806 shall use existing resources, facilities, and programs or
807 resources procured through grant funding and donations that are
808 obtained in accordance with state ethics and procurement
809 policies, and shall provide equal access to any such programs,
810 resources, and facilities to all state employees.

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

813 (c) Each state agency may establish an employee wellness
 814 workgroup to design the agency's wellness program. The
 815 department shall provide policy guidance and assist in
 816 identifying effective wellness program strategies.

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

821 Section 18. Section 385.202, Florida Statutes, is amended
 822 to read:

823 385.202 Statewide cancer registry.—

824 (1) Each facility, laboratory, or practitioner licensed
 825 under chapter 395, chapter 458, chapter 459, chapter 464, or
 826 chapter 483 and each freestanding radiation therapy center as
 827 defined in s. 408.07 shall report to the department of Health
 828 such information, specified by the department as outlined in s.
 829 381.0031 and, by rule regarding reporting requirements for the
 830 statewide cancer registry, which includes the data required, the
 831 timeframe for reporting, and those professionals who are
 832 responsible for ensuring compliance with reporting requirements,
 833 ~~which indicates diagnosis, stage of disease, medical history,~~
 834 ~~laboratory data, tissue diagnosis, and radiation, surgical, or~~
 835 ~~other methods of diagnosis or treatment for each cancer~~
 836 ~~diagnosed or treated by the facility or center. Failure to~~
 837 ~~comply with this requirement may be cause for registration or~~
 838 ~~licensure suspension or revocation.~~

839 (2) The department shall establish, or cause to have
 840 established, by contract with a recognized medical organization

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841 in this state and its affiliated institutions, a statewide
842 cancer registry program to ensure that cancer reports required
843 under this section shall be maintained and available for use in
844 the course of public health surveillance and any study for the
845 purpose of reducing morbidity or mortality; and no liability of
846 any kind or character for damages or other relief shall arise or
847 be enforced against any facility, laboratory, or practitioner
848 ~~hospital~~ by reason of having provided such information or
849 material to the department.

850 (3) The department or a contractual designee operating the
851 statewide cancer registry program required by this section shall
852 use or publish such ~~said~~ material only for the purpose of public
853 health surveillance and advancing medical research or medical
854 education in the interest of reducing morbidity or mortality,
855 except that a summary of such studies may be released for
856 general publication. Information which discloses or could lead
857 to the disclosure of the identity of any person whose condition
858 or treatment has been reported and studied shall be confidential
859 and exempt from the provisions of s. 119.07(1), except that:

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

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

866 (c) The department may exchange personal data with any
867 other governmental agency or a contractual designee for the
868 purpose of public health surveillance and medical or scientific

869 research ~~if, provided~~ such governmental agency or contractual
 870 designee does ~~shall~~ not further disclose information that is
 871 confidential under this section.

872 (4) Funds appropriated for this section shall be used for
 873 establishing, administering, compiling, processing, and
 874 providing biometric and statistical analyses to the reporting
 875 facilities, laboratories, and practitioners. Funds may also be
 876 used to ensure the quality and accuracy of the information
 877 reported and to provide management information to the reporting
 878 facilities, laboratories, and practitioners.

879 ~~(5) The department may, by rule, classify facilities for~~
 880 ~~purposes of reports made to the cancer registry and specify the~~
 881 ~~content and frequency of the reports. In classifying facilities,~~
 882 ~~the department shall exempt certain facilities from reporting~~
 883 ~~cancer information that was previously reported to the~~
 884 ~~department or retrieved from existing state reports made to the~~
 885 ~~department or the Agency for Health Care Administration. The~~
 886 ~~provisions of~~ This section does ~~shall~~ not apply to any facility
 887 whose primary function is to provide psychiatric care to its
 888 patients.

889 (6) Notwithstanding subsection (1), each facility,
 890 laboratory, and practitioner that reports cancer cases to the
 891 department must make their records available for onsite review
 892 by the department or its authorized representative.

893 Section 19. Subsection (9) of section 409.904, Florida
 894 Statutes, is amended to read:

895 409.904 Optional payments for eligible persons.—The agency
 896 may make payments for medical assistance and related services on

897 | behalf of the following persons who are determined to be
 898 | eligible subject to the income, assets, and categorical
 899 | eligibility tests set forth in federal and state law. Payment on
 900 | behalf of these Medicaid eligible persons is subject to the
 901 | availability of moneys and any limitations established by the
 902 | General Appropriations Act or chapter 216.

903 | (9) Eligible women with incomes at or below 200 percent of
 904 | the federal poverty level and under age 65, for cancer treatment
 905 | pursuant to the federal Breast and Cervical Cancer Prevention
 906 | and Treatment Act of 2000, screened through the Mary Brogan
 907 | Breast and Cervical Cancer Early Detection Program established
 908 | under s. 385.20253 ~~s. 381.93~~.

909 | Section 20. Part V of chapter 154, Florida Statutes,
 910 | consisting of sections 154.501, 154.502, 154.503, 154.504,
 911 | 154.505, 154.506, and 154.507, Florida Statutes, is repealed.

912 | Section 21. Section 381.0054, Florida Statutes, is
 913 | repealed.

914 | Section 22. Section 381.732, Florida Statutes, is
 915 | repealed.

916 | Section 23. Section 381.733, Florida Statutes, is
 917 | repealed.

918 | Section 24. Section 381.734, Florida Statutes, is
 919 | repealed.

920 | Section 25. Section 381.87, Florida Statutes, is repealed.

921 | Section 26. Section 385.103, Florida Statutes, is
 922 | repealed.

923 | Section 27. This act shall take effect July 1, 2012.