

By Senator Jones

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1                                   A bill to be entitled  
2       An act relating to health care; amending ss. 20.435,  
3       154.503, and 215.5602, F.S.; conforming cross-  
4       references; transferring, renumbering, and amending s.  
5       381.91, F.S., relating to the Jessie Trice Cancer  
6       Prevention Program; transferring and renumbering s.  
7       381.911, F.S., relating to the Prostate Cancer  
8       Awareness Program; transferring and renumbering s.  
9       381.922, F.S., relating to the William G. "Bill"  
10      Bankhead, Jr., and David Coley Cancer Research  
11      Program; transferring and renumbering s. 381.93, F.S.,  
12      relating to a breast and cervical cancer early  
13      detection program; transferring, renumbering, and  
14      amending s. 381.931, F.S., relating to an annual  
15      report on Medicaid expenditures; removing a provision  
16      limiting the number of breast and cervical cancer  
17      screenings based on projected Medicaid expenditures;  
18      transferring, renumbering, and amending s. 381.932,  
19      F.S., relating to the breast cancer early detection  
20      and treatment referral program; renaming ch. 385,  
21      F.S., as the "Healthy and Fit Florida Act"; amending  
22      s. 385.101, F.S.; revising the short title; amending  
23      s. 385.102, F.S.; revising legislative intent with  
24      regard to chronic diseases and health promotion;  
25      creating s. 385.1021, F.S.; providing definitions;  
26      creating s. 385.1022, F.S.; requiring the Department  
27      of Health to support the creation of public health  
28      programs at the state and community levels to reduce  
29      the incidence of mortality and morbidity from chronic

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30 diseases; creating s. 385.1023, F.S.; requiring the  
31 department to create a state-level program to address  
32 the preventable risk factors associated with chronic  
33 diseases; requiring the program to perform certain  
34 activities; creating s. 385.1035, F.S.; requiring the  
35 department to develop and implement a community-level  
36 program for the prevention of chronic diseases and the  
37 promotion of health; providing the purpose of the  
38 program; providing requirements for the program;  
39 creating s. 385.104, F.S.; requiring the department to  
40 develop programs to promote physical fitness, healthy  
41 lifestyles, and weight control; requiring the  
42 department to promote programs to increase physical  
43 fitness and encourage healthy behavior changes;  
44 requiring the department to promote healthy lifestyles  
45 to reduce the rate of obesity and encourage weight  
46 control and weight reduction; requiring the department  
47 to promote personal responsibility and regular health  
48 visits; authorizing state agencies to conduct employee  
49 wellness programs; requiring the department to serve  
50 as a model for the development and implementation of  
51 wellness programs; requiring the department to assist  
52 state agencies in developing and implementing wellness  
53 programs; providing equal access to the programs by  
54 agency employees; requiring the department to  
55 coordinate efforts with the Department of Management  
56 Services and other state agencies; authorizing each  
57 state agency to establish an employee wellness  
58 workgroup to design the agency's wellness program;

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59 requiring the department to adopt rules to provide  
60 requirements for participation fees, collaboration  
61 with businesses, and procurement of equipment and  
62 incentives; amending s. 385.202, F.S.; requiring  
63 licensed laboratories and practitioners to report  
64 certain information to the department; removing a  
65 provision that provides for registration or licensure  
66 suspension or revocation for failure to comply with  
67 such requirements; providing immunity from liability  
68 for facilities, laboratories, and practitioners  
69 reporting certain information; authorizing the  
70 department to adopt rules regarding the establishment  
71 and operation of a statewide cancer registry program;  
72 permitting the department or contractual designee  
73 operating the statewide cancer registry program to use  
74 or publish information contained in the registry for  
75 the purpose of public health surveillance under  
76 certain circumstances; authorizing the department to  
77 exchange personal data with an agency or contractual  
78 designee for the purpose of public health surveillance  
79 under certain circumstances; authorizing additional  
80 uses for funds appropriated for the program;  
81 clarifying that the department may adopt rules  
82 regarding the classifications of facilities,  
83 laboratories, and practitioners related to reports  
84 made to the statewide cancer registry; removing an  
85 exemption from reporting requirements for certain  
86 facilities; requiring each facility, laboratory, and  
87 practitioner that reports cancer cases to the

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88 department to make their records available for onsite  
89 review; amending s. 409.904, F.S.; conforming a cross-  
90 reference; repealing s. 381.0054, F.S., relating to  
91 the promotion of healthy lifestyles; repealing ss.  
92 381.732 and 381.733, F.S., relating to the Healthy  
93 Communities, Healthy People Act; repealing s. 381.734,  
94 F.S., relating to the Healthy Communities, Healthy  
95 People Program; repealing s. 381.87, F.S., relating to  
96 the Osteoporosis Prevention and Education Program;  
97 repealing s. 385.103, F.S., relating to community  
98 intervention programs; providing an effective date.

99

100 WHEREAS, chronic diseases, not infectious diseases, are the  
101 leading causes of death, accounting for 70 percent of all deaths  
102 in the United States, and

103 WHEREAS, heart disease and stroke have remained the first  
104 and third leading causes of death in the United States for more  
105 than 7 decades and are responsible for approximately one-third  
106 of total deaths each year in this state, and

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

109 WHEREAS, lung disease is the fourth leading cause of death  
110 and is responsible for one in every six deaths in this state,  
111 and

112 WHEREAS, diabetes is the sixth leading cause of death in  
113 this state, and

114 WHEREAS, oral disease, specifically dental caries, commonly  
115 known as tooth decay, is the single most common chronic disease  
116 in children. Dental caries are the most prevalent chronic

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117 disease experienced by children which is not self-limiting or  
118 amenable to a short-term course of antibiotics, despite the fact  
119 that dental caries are usually preventable, and

120 WHEREAS, arthritis is the leading cause of disability in  
121 the United States, limiting the daily activities of more than  
122 1.7 million people in this state alone, NOW, THEREFORE,

123

124 Be It Enacted by the Legislature of the State of Florida:

125

126 Section 1. Paragraph (a) of subsection (8) of section  
127 20.435, Florida Statutes, is amended to read:

128 20.435 Department of Health; trust funds.—The following  
129 trust funds shall be administered by the Department of Health:

130 (8) Biomedical Research Trust Fund.

131 (a) Funds to be credited to the trust fund shall consist of  
132 funds deposited pursuant to s. 215.5601 and any other funds  
133 appropriated by the Legislature. Funds shall be used for the  
134 purposes of the James and Esther King Biomedical Research  
135 Program and the William G. "Bill" Bankhead, Jr., and David Coley  
136 Cancer Research Program as specified in ss. 215.5602, 288.955,  
137 and 385.20252 ~~381.922~~. The trust fund is exempt from the service  
138 charges imposed by s. 215.20.

139 Section 2. Paragraph (e) of subsection (2) of section  
140 154.503, Florida Statutes, is amended to read:

141 154.503 Primary Care for Children and Families Challenge  
142 Grant Program; creation; administration.—

143 (2) The department shall:

144 (e) Coordinate with the primary care program developed  
145 pursuant to s. 154.011, the Florida Healthy Kids Corporation

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146 program created in s. 624.91, the school health services program  
147 created in ss. 381.0056 and 381.0057, ~~the Healthy Communities,~~  
148 ~~Healthy People Program created in s. 381.734,~~ and the volunteer  
149 health care provider program developed pursuant to s. 766.1115.

150 Section 3. Subsections (11) and (12) of section 215.5602,  
151 Florida Statutes, are amended to read:

152 215.5602 James and Esther King Biomedical Research  
153 Program.—

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

157 (12) From funds appropriated to accomplish the goals of  
158 this section, up to \$250,000 shall be available for the  
159 operating costs of the Florida Center for Universal Research to  
160 Eradicate Disease. Beginning in the 2011-2012 fiscal year and  
161 thereafter, \$25 million from the revenue deposited into the  
162 Health Care Trust Fund pursuant to ss. 210.011(9) and 210.276(7)  
163 shall be reserved for research of tobacco-related or cancer-  
164 related illnesses. Of the revenue deposited in the Health Care  
165 Trust Fund pursuant to this section, \$25 million shall be  
166 transferred to the Biomedical Research Trust Fund within the  
167 Department of Health. Subject to annual appropriations in the  
168 General Appropriations Act, \$5 million shall be appropriated to  
169 the James and Esther King Biomedical Research Program, \$5  
170 million shall be appropriated to the William G. "Bill" Bankhead,  
171 Jr., and David Coley Cancer Research Program created under s.  
172 385.20252 ~~381.922~~, \$5 million shall be appropriated to the H.  
173 Lee Moffitt Cancer Center and Research Institute established  
174 under s. 1004.43, \$5 million shall be appropriated to the

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175 Sylvester Comprehensive Cancer Center of the University of  
176 Miami, and \$5 million shall be appropriated to the University of  
177 Florida Shands Cancer Center.

178 Section 4. Section 381.91, Florida Statutes, is  
179 transferred, renumbered as section 385.2023, Florida Statutes,  
180 and amended to read:

181 385.2023 ~~381.91~~ Jessie Trice Cancer Prevention Program.—

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

183 (a) Reduce the rates of illness and death from lung cancer  
184 and other cancers and improve the quality of life among low-  
185 income African-American and Hispanic populations through  
186 increased access to early, effective screening and diagnosis,  
187 education, and treatment programs.

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

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

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

200 (b) Funding may be provided to develop contracts with  
201 community health centers and local community faith-based  
202 education programs to provide cancer screening, diagnosis,  
203 education, and treatment services to low-income populations

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204 throughout the state.

205 Section 5. Section 381.911, Florida Statutes, is  
206 transferred and renumbered as section 385.2024, Florida  
207 Statutes, to read:

208 385.2024 ~~381.911~~ Prostate Cancer Awareness Program.—

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

217 (2) For purposes of implementing the program, the  
218 University of Florida Prostate Disease Center may work with  
219 other agencies, organizations, and institutions to create a  
220 systematic approach to community education and increase public  
221 awareness regarding prostate cancer by:

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

224 (b) Seeking any available gifts, private grants, or funds  
225 from the Federal Government, philanthropic foundations, and  
226 industry or business groups.

227 (3) The University of Florida Prostate Disease Center  
228 (UFPDC) shall establish the UFPDC Prostate Cancer Advisory  
229 Council and lead the advisory council in developing and  
230 implementing strategies to improve outreach and education and  
231 thereby reduce the number of patients who develop prostate  
232 cancer.



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233 (a) The executive director of the University of Florida  
234 Prostate Disease Center shall appoint, in consultation with the  
235 Department of Health's Comprehensive Cancer Control Program and  
236 the State Surgeon General, a geographically and institutionally  
237 diverse advisory council, which shall consist of:

238 1. Two persons from prostate cancer survivor groups or  
239 cancer-related advocacy groups.

240 2. Four persons, one of whom is a physician licensed under  
241 chapter 458, one of whom is a physician licensed under chapter  
242 459, one of whom is a scientist, and one of whom is the  
243 executive director of the University of Florida Prostate Disease  
244 Center or a designee.

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

248 (b) Members shall serve as volunteers without compensation.

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

256 (d) The advisory council shall meet annually and at other  
257 times at the call of the executive director of the University of  
258 Florida Prostate Disease Center or by a majority vote of the  
259 members of the advisory council.

260 (e) Five of the members of the advisory council constitute  
261 a quorum, and an affirmative vote of a majority of the members

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262 present is required for final action.

263 (f) The advisory council shall:

264 1. Present prostate-cancer-related policy recommendations  
265 to the Department of Health and other appropriate governmental  
266 entities.

267 2. Assess the accuracy of prostate cancer information  
268 disseminated to the public.

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

272 4. Plan, develop, and implement activities designed to  
273 heighten awareness and educate residents of the state,  
274 especially those in underserved areas, regarding the importance  
275 of prostate cancer awareness.

276 5. Disseminate information about recent progress in  
277 prostate cancer research and the availability of clinical  
278 trials.

279 6. Minimize health disparities through outreach and  
280 education.

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

283 8. Establish a communication platform for patients and  
284 their advocates.

285 9. Solicit private grants or philanthropic funding to  
286 conduct an annual prostate cancer symposium that brings  
287 physicians, researchers, community leaders, prostate cancer  
288 survivors, and prostate cancer advocates together to highlight  
289 recent advances in prostate cancer research, clinical trials,  
290 and best practices used for the prevention of prostate cancer

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291 and to promote strategies for successful rural and urban  
292 outreach, community education, and increased awareness.

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

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

305 Section 6. Section 381.922, Florida Statutes, is  
306 transferred and renumbered as section 385.20252, Florida  
307 Statutes, to read:

308 385.20252 ~~381.922~~ William G. "Bill" Bankhead, Jr., and  
309 David Coley Cancer Research Program.—

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

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

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

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320 1. Efforts to significantly expand cancer research capacity  
321 in the state by:

322 a. Identifying ways to attract new research talent and  
323 attendant national grant-producing researchers to cancer  
324 research facilities in this state;

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

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

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

336 e. Facilitating the technical coordination, business  
337 development, and support of intellectual property as it relates  
338 to the advancement of cancer research; and

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

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

343 a. Identifying ways to increase adult enrollment in cancer  
344 clinical trials;

345 b. Supporting public and private professional education  
346 programs designed to increase the awareness and knowledge about  
347 cancer clinical trials;

348 c. Providing tools to cancer patients and community-based

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349 oncologists to aid in the identification of cancer clinical  
350 trials available in the state; and

351 d. Creating opportunities for the state's academic cancer  
352 centers to collaborate with community-based oncologists in  
353 cancer clinical trials networks.

354 3. Efforts to reduce the impact of cancer on disparate  
355 groups by:

356 a. Identifying those cancers that disproportionately impact  
357 certain demographic groups; and

358 b. Building collaborations designed to reduce health  
359 disparities as they relate to cancer.

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

365 (3) (a) Applications for funding for cancer research may be  
366 submitted by any university or established research institute in  
367 the state. All qualified investigators in the state, regardless  
368 of institutional affiliation, shall have equal access and  
369 opportunity to compete for the research funding. Collaborative  
370 proposals, including those that advance the program's goals  
371 enumerated in subsection (2), may be given preference. Grants  
372 shall be awarded by the State Surgeon General, after  
373 consultation with the Biomedical Research Advisory Council, on  
374 the basis of scientific merit, as determined by an open,  
375 competitive peer review process that ensures objectivity,  
376 consistency, and high quality. The following types of  
377 applications shall be considered for funding:

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- 378 1. Investigator-initiated research grants.  
379 2. Institutional research grants.  
380 3. Collaborative research grants, including those that  
381 advance the finding of cures through basic or applied research.
- 382 (b) In order to ensure that all proposals for research  
383 funding are appropriate and are evaluated fairly on the basis of  
384 scientific merit, the State Surgeon General, in consultation  
385 with the council, shall appoint a peer review panel of  
386 independent, scientifically qualified individuals to review the  
387 scientific content of each proposal and establish its priority  
388 score. The priority scores shall be forwarded to the council and  
389 must be considered in determining which proposals shall be  
390 recommended for funding.
- 391 (c) The council and the peer review panel shall establish  
392 and follow rigorous guidelines for ethical conduct and adhere to  
393 a strict policy with regard to conflicts of interest. A member  
394 of the council or panel may not participate in any discussion or  
395 decision with respect to a research proposal by any firm,  
396 entity, or agency with which the member is associated as a  
397 member of the governing body or as an employee or with which the  
398 member has entered into a contractual arrangement. Meetings of  
399 the council and the peer review panels are subject to chapter  
400 119, s. 286.011, and s. 24, Art. I of the State Constitution.
- 401 (4) By December 15 of each year, the Department of Health  
402 shall submit to the Governor, the President of the Senate, and  
403 the Speaker of the House of Representatives a report indicating  
404 progress towards the program's mission and making  
405 recommendations that further its purpose.
- 406 (5) The William G. "Bill" Bankhead, Jr., and David Coley

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

418 Section 7. Section 381.93, Florida Statutes, is transferred  
419 and renumbered as section 385.20253, Florida Statutes, to read:  
420 385.20253 ~~381.93~~ Breast and cervical cancer early detection  
421 program.—This section may be cited as the "Mary Brogan Breast  
422 and Cervical Cancer Early Detection Program Act."

423 (1) It is the intent of the Legislature to reduce the rates  
424 of death due to breast and cervical cancer through early  
425 diagnosis and increased access to early screening, diagnosis,  
426 and treatment programs.

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

434 (3) The Mary Brogan Breast and Cervical Cancer Early  
435 Detection Program shall be funded through grants for such

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436 screening and early detection purposes from the federal Centers  
437 for Disease Control and Prevention under Title XV of the Public  
438 Health Service Act, 42 U.S.C. ss. 300k et seq.

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

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

448 Section 8. Section 381.931, Florida Statutes, is  
449 transferred, renumbered as section 385.20254, Florida Statutes,  
450 and amended to read:

451 385.20254 ~~381.931~~ Annual report on Medicaid expenditures.-  
452 The Department of Health and the Agency for Health Care  
453 Administration shall monitor the total Medicaid expenditures for  
454 services made under this act. ~~If Medicaid expenditures are~~  
455 ~~projected to exceed the amount appropriated by the Legislature,~~  
456 ~~the Department of Health shall limit the number of screenings to~~  
457 ~~ensure Medicaid expenditures do not exceed the amount~~  
458 ~~appropriated.~~

459 Section 9. Section 381.932, Florida Statutes, is  
460 transferred, renumbered as section 385.20255, Florida Statutes,  
461 and amended to read:

462 385.20255 ~~381.932~~ Breast cancer early detection and  
463 treatment referral program.-

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



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465 (a) "Breast cancer screening and referral services" means  
466 necessary breast cancer screening and referral services for a  
467 procedure intended to treat cancer of the human breast,  
468 including, but not limited to, surgery, radiation therapy,  
469 chemotherapy, hormonal therapy, and related medical followup  
470 services.

471 (b) "Unserved or underserved populations" means women who  
472 are:

473 1. At or below 200 percent of the federal poverty level for  
474 individuals;

475 2. Without health insurance that covers breast cancer  
476 screenings; and

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

478 (2) There is established, within existing or specific  
479 appropriations, a breast cancer early detection and treatment  
480 referral program within the Department of Health. The purposes  
481 of the program are to:

482 (a) Promote referrals for the screening, detection, and  
483 treatment of breast cancer among unserved or underserved  
484 populations.

485 (b) Educate the public regarding breast cancer and the  
486 benefits of early detection.

487 (c) Provide referral services for persons seeking  
488 treatment.

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

491 (a) Establishment of a public education and outreach  
492 initiative to publicize breast cancer early detection services,  
493 the benefits of early detection of breast cancer, and the

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494 recommended frequency for receiving screening services,  
495 including clinical breast examinations and mammography  
496 guidelines established by the United States Preventive Services  
497 Task Force.

498 (b) Development of professional education programs that  
499 include information regarding the benefits of the early  
500 detection of breast cancer and the recommended frequency for  
501 receiving a mammogram, as recommended in the most current breast  
502 cancer screening guidelines established by the United States  
503 Preventive Services Task Force.

504 (c) Establishment of a system to track and monitor all  
505 women screened for breast cancer in the program. The system  
506 shall include, but is not ~~be~~ limited to, monitoring abnormal  
507 screening tests, referring women for treatment when needed, and  
508 tracking women to be screened at recommended screening  
509 intervals.

510 (4) The State Surgeon General shall submit an annual report  
511 to the appropriate substantive committees of the Legislature.  
512 The report shall include, but is not ~~be~~ limited to, a  
513 description of the rate of breast cancer morbidity and mortality  
514 in the state and the extent to which women are participating in  
515 breast cancer screening as reported by the Behavioral Risk  
516 Factor Surveillance System.

517 Section 10. Chapter 385, Florida Statutes, entitled  
518 "Chronic Diseases," is renamed the "Healthy and Fit Florida  
519 Act."

520 Section 11. Section 385.101, Florida Statutes, is amended  
521 to read:

522 385.101 Short title.—This chapter Sections 385.101-385.103

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523 may be cited as the "Healthy and Fit Florida Chronic Diseases  
524 Act."

525 Section 12. Section 385.102, Florida Statutes, is amended  
526 to read:

527 385.102 Legislative intent.—It is the finding of the  
528 Legislature that:

529 (1) Chronic diseases continue to be the leading causes of  
530 death and disability in the state and the nation ~~exist in high~~  
531 ~~proportions among the people of this state.~~ These Chronic  
532 diseases include, but are not limited to, arthritis,  
533 cardiovascular disease ~~heart disease,~~ hypertension, diabetes,  
534 renal disease, oral diseases, cancer, and ~~chronic obstructive~~  
535 lung disease, including chronic obstructive pulmonary disease  
536 and asthma. These diseases ~~are~~ often have the same preventable  
537 risk factors and interrelated, ~~and they directly and indirectly~~  
538 account for a high rate of death and disability, which results  
539 in higher costs to the state's health care system ~~illness.~~

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

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

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

548 (5) ~~(2)~~ Advances in medical knowledge and technology assist  
549 ~~have assisted~~ in the prevention, detection, and management of  
550 chronic diseases. Comprehensive approaches that stress the  
551 ~~stressing~~ application of current medical treatment, continuing

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552 research, professional training, ~~and~~ patient education, and  
553 state and local policy and environmental changes should be  
554 implemented ~~encouraged~~.

555 ~~(6)-(3) A comprehensive program dealing with the early~~  
556 ~~detection and prevention of chronic diseases is required to make~~  
557 ~~knowledge and therapy available to all people of this state. The~~  
558 mobilization of scientific, medical, and educational resources  
559 and the implementation of state and local policies relating to  
560 chronic diseases under one comprehensive law ~~chronic disease act~~  
561 will facilitate the prevention, early intervention, and  
562 management of chronic ~~and treatment of these~~ diseases and their  
563 symptoms. This integration of resources and policy will ~~and~~  
564 result in a decline in death and disability ~~illness~~ among the  
565 people of this state.

566 (7) The department shall establish, promote, and maintain  
567 programs at the state and community levels for chronic disease  
568 prevention and health promotion as described in this chapter to  
569 the extent that funds are specifically made available for this  
570 purpose.

571 Section 13. Section 385.1021, Florida Statutes, is created  
572 to read:

573 385.1021 Definitions.—As used in this chapter, the term:

574 (1) "Best and promising practices" means specific  
575 activities used to effect change, which may include guidelines  
576 developed by organizations, volunteer scientists, and health  
577 care professionals who have published medical or scientific  
578 articles on topics relating to chronic diseases in a generally  
579 available scientific journal that has a rigorous review and  
580 approval process.

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

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

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

587       (5) "Evidence-based" means the preferential use of  
588 physical, mental, and behavioral health interventions for which  
589 systematic empirical research has provided evidence of  
590 statistically significant effectiveness as treatments for  
591 specific problems.

592       (7) "Policy change" means altering an informal or formal  
593 agreement between the public or private sector to identify  
594 values, behaviors, or resource allocation in order to improve  
595 health.

596       (8) "Risk factor" means a characteristic or condition  
597 identified during the course of an epidemiological study of a  
598 disease which appears to be statistically associated with a high  
599 incidence of that disease.

600       (9) "System change" means altering standard activities,  
601 protocols, policies, processes, and structures carried out in  
602 population-based settings, such as schools, worksites, health  
603 care facilities, faith-based organizations, and the overall  
604 community, which promote and support new behaviors.

605       (10) "Wellness program" means a structured program that is  
606 designed or approved by the department to offer intervention  
607 activities on or off the worksite which help state and local  
608 government employees change certain behaviors or adopt healthy  
609 lifestyles.

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610 Section 14. Section 385.1022, Florida Statutes, is created  
611 to read:

612 385.1022 Chronic disease prevention and health promotion  
613 program.—The department shall support the creation of public  
614 health programs at the state and community levels in order to  
615 reduce the incidence of mortality and morbidity from chronic  
616 diseases for which risk factors can be identified. Such risk  
617 factors include, but are not limited to, being overweight or  
618 obese, physical inactivity, poor diet and nutrition habits, sun  
619 exposure, poor oral hygiene, and other practices that are  
620 detrimental to health.

621 Section 15. Section 385.1023, Florida Statutes, is created  
622 to read:

623 385.1023 State-level program for chronic disease  
624 prevention.—The department shall create a state-level program  
625 that promotes healthy lifestyles and prevents chronic diseases  
626 and disabilities caused by chronic diseases. The program must  
627 address preventable chronic disease risk factors, such as being  
628 overweight or obese, physical inactivity, poor diet and  
629 nutrition habits, sun exposure, poor oral hygiene, and other  
630 practices that are detrimental to health, in order to decrease  
631 the incidence of arthritis, cancer, diabetes, heart disease,  
632 lung disease, including chronic obstructive pulmonary disease  
633 and asthma, stroke, and other chronic diseases. The state-level  
634 program must include, but is not limited to:

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

637 (2) Analyzing data regarding chronic disease mortality and  
638 morbidity to track changes.

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639       (3) Disseminating educational materials and information  
640 concerning evidence-based results, available services, and  
641 pertinent new research findings and prevention strategies to  
642 patients, health insurers, health professionals, and the public.

643       (4) Increasing awareness among state and local officials  
644 involved in health and human services, health professionals and  
645 providers, and policymakers regarding evidence-based chronic  
646 disease prevention, treatment strategies, and benefits for  
647 persons who have chronic diseases.

648       (5) Developing a partnership with state and local  
649 governments, voluntary health organizations, hospitals, health  
650 insurers, universities, medical centers, faith-based  
651 organizations, employer groups, private companies, and health  
652 care providers to address the issue of chronic diseases in this  
653 state.

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

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

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

662       (9) Providing lasting improvements in the delivery of  
663 health care for individuals who have chronic diseases and their  
664 families, thus improving their quality of life while also  
665 containing health care costs.

666       Section 16. Section 385.1035, Florida Statutes, is created  
667 to read:

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668       385.1035 Community-level program for chronic disease  
669 prevention and health promotion.-The department shall develop  
670 and implement a comprehensive, community-level program for  
671 chronic disease prevention and health promotion. The program  
672 shall be designed to reduce major behavioral risk factors  
673 associated with chronic diseases by enhancing knowledge, skills,  
674 motivation, and opportunities to enable individuals,  
675 organizations, health care providers, small businesses, health  
676 insurers, and communities to develop and maintain healthy  
677 lifestyles. A community-level program for chronic disease  
678 prevention and health promotion must include, but is not limited  
679 to:

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

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

685       (3) The use of local and statewide data as a basis for  
686 decisionmaking and the development and prioritization of  
687 community-based interventions focused on the risk factors  
688 associated with chronic diseases.

689       (4) The development and implementation of interventions and  
690 activities through community organizations, schools, worksites,  
691 faith-based organizations, and health care settings.

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

694       (6) The use of policy changes, system changes, and  
695 environmental changes that support healthy behaviors in order to  
696 affect large segments of the population and encourage healthy



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697 choices.

698 Section 17. Section 385.104, Florida Statutes, is created  
699 to read:

700 385.104 Physical activity, obesity prevention, nutrition,  
701 and other health-promotion services and wellness programs.-

702 (1) PHYSICAL ACTIVITY.-The department shall promote  
703 programs for people at every stage of their lives to increase  
704 physical fitness and encourage healthy behavior changes by:

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

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

711 (c) Collaborating with the Department of Education in  
712 recognizing nationally accepted best practices for improving  
713 physical education in schools.

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

718 (a) Using all appropriate media to promote maximum public  
719 awareness of the latest research on healthy lifestyles and  
720 chronic diseases and disseminating relevant information relating  
721 to wellness, physical activity, and nutrition and the effect of  
722 these factors on chronic diseases and disabling conditions  
723 through a statewide clearinghouse.

724 (b) Providing technical assistance, training, and resources  
725 on healthy lifestyles and chronic diseases to the public, health

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726 care providers, school districts, and other persons or entities,  
727 including faith-based organizations, that request such  
728 assistance to promote physical activity, nutrition, and healthy  
729 lifestyle programs.

730 (c) Developing, implementing, and using all available  
731 research methods to collect data, including, but not limited to,  
732 population-specific data, and tracking the incidence and effects  
733 of weight gain, obesity, and related chronic diseases. All  
734 research conducted under this paragraph is subject to review and  
735 approval as required by the department's Institutional Review  
736 Board under s. 381.86.

737 (d) Entering into partnerships with the Department of  
738 Education, local communities, school districts, and other  
739 entities to encourage schools in the state to promote activities  
740 during and after school to help students meet a minimum goal of  
741 30 minutes of physical fitness activities per day.

742 (e) Collaborating with other state agencies to develop  
743 policies and strategies for preventing and treating obesity,  
744 which shall be incorporated into programs administered by each  
745 agency and shall include promoting healthy lifestyles among the  
746 employees of each agency.

747 (f) Advising, in accordance with s. 456.081, health care  
748 practitioners about the morbidity, mortality, and costs  
749 associated with being overweight or obese; informing  
750 practitioners of promising clinical practices for preventing and  
751 treating obesity; and encouraging practitioners to counsel their  
752 patients regarding the adoption of healthy lifestyles.

753 (g) Maximizing all local, state, and federal funding  
754 sources, including seeking grants, public-private partnerships,

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755 and other mechanisms, to strengthen the department's programs  
756 that promote physical activity and nutrition.

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

758 (a) Promote personal responsibility by encouraging  
759 residents of this state to be informed, follow health  
760 recommendations, seek medical consultations and health  
761 assessments, and comply with medical guidelines, including those  
762 that lead to earlier detection of chronic diseases, in order to  
763 prevent chronic diseases or slow the progression of established  
764 chronic diseases.

765 (b) Promote regular health visits during a person's  
766 lifetime, including annual physical examinations that include  
767 measuring body mass index and vital signs, blood work,  
768 immunizations, screenings, and dental examinations, in order to  
769 reduce the financial, social, and personal burden of chronic  
770 disease.

771 (4) WELLNESS PROGRAMS.—

772 (a) Each state agency may conduct employee wellness  
773 programs in buildings and on lands owned or leased by the state.  
774 The department shall serve as a model for the development and  
775 implementation of employee wellness programs that may include  
776 physical fitness, healthy nutrition, self-management of disease,  
777 wellness and fitness education, and behavioral change elements.  
778 The department shall assist other state agencies in developing  
779 and implementing employee wellness programs. These programs  
780 shall use existing resources, facilities, and programs or  
781 resources procured through grant funding and donations that are  
782 obtained in accordance with state ethics and procurement  
783 policies, and shall provide equal access to any such programs,

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784 resources, and facilities to all state employees.

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

787 (c) Each state agency may establish an employee wellness  
788 workgroup to design the agency's wellness program. The  
789 department shall provide policy guidance and assist in  
790 identifying effective wellness program strategies.

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

795 Section 18. Section 385.202, Florida Statutes, is amended  
796 to read:

797 385.202 Statewide cancer registry.—

798 (1) Each facility, laboratory, or practitioner licensed  
799 under chapter 395, chapter 458, chapter 459, chapter 464,  
800 chapter 483, or chapter 485, and each freestanding radiation  
801 therapy center as defined in s. 408.07, shall report to the  
802 department of Health such information, specified by the  
803 department, by rule. The department may adopt rules regarding  
804 reporting requirements for the statewide cancer registry, which  
805 shall include the data required, the timeframe for reporting,  
806 and those professionals who are responsible for ensuring  
807 compliance with reporting requirements, which indicates  
808 diagnosis, stage of disease, medical history, laboratory data,  
809 tissue diagnosis, and radiation, surgical, or other methods of  
810 diagnosis or treatment for each cancer diagnosed or treated by  
811 the facility or center. Failure to comply with this requirement  
812 may be cause for registration or licensure suspension or

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813 ~~revocation.~~

814 (2) The department shall establish, or cause to have  
815 established, by contract with a recognized medical organization  
816 in this state and its affiliated institutions, a statewide  
817 cancer registry program to ensure that cancer reports required  
818 under this section shall be maintained and available for use in  
819 the course of public health surveillance and any study for the  
820 purpose of reducing morbidity or mortality; and no liability of  
821 any kind or character for damages or other relief shall arise or  
822 be enforced against any facility, laboratory, or practitioner  
823 ~~hospital~~ by reason of having provided such information or  
824 material to the department.

825 (3) The department or a contractual designee operating the  
826 statewide cancer registry program required by this section shall  
827 use or publish such ~~said~~ material only for the purpose of public  
828 health surveillance and advancing medical research or medical  
829 education in the interest of reducing morbidity or mortality,  
830 except that a summary of such studies may be released for  
831 general publication. Information which discloses or could lead  
832 to the disclosure of the identity of any person whose condition  
833 or treatment has been reported and studied shall be confidential  
834 and exempt from the provisions of s. 119.07(1), except that:

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

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

841 (c) The department may exchange personal data with any

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842 other governmental agency or a contractual designee for the  
843 purpose of public health surveillance and medical or scientific  
844 research ~~if, provided~~ such governmental agency or contractual  
845 designee does shall not further disclose information that is  
846 confidential under this section.

847 (4) Funds appropriated for this section shall be used for  
848 establishing, administering, compiling, processing, and  
849 providing biometric and statistical analyses to the reporting  
850 facilities, laboratories, and practitioners. Funds may also be  
851 used to ensure the quality and accuracy of the information  
852 reported and to provide management information to the reporting  
853 facilities, laboratories, and practitioners.

854 (5) The department may adopt rules regarding the  
855 classifications of, by rule, classify facilities, laboratories,  
856 and practitioners that are responsible for making reports to the  
857 statewide cancer registry, the content and frequency of the  
858 reports, and the penalty for failure to comply with these  
859 requirements for purposes of reports made to the cancer registry  
860 and specify the content and frequency of the reports. In  
861 classifying facilities, the department shall exempt certain  
862 facilities from reporting cancer information that was previously  
863 reported to the department or retrieved from existing state  
864 reports made to the department or the Agency for Health Care  
865 Administration. The provisions of This section does shall not  
866 apply to any facility whose primary function is to provide  
867 psychiatric care to its patients.

868 (6) Notwithstanding subsection (1), each facility,  
869 laboratory, and practitioner that reports cancer cases to the  
870 department must make their records available for onsite review

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871 by the department or its authorized representative.

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

874 409.904 Optional payments for eligible persons.—The agency  
875 may make payments for medical assistance and related services on  
876 behalf of the following persons who are determined to be  
877 eligible subject to the income, assets, and categorical  
878 eligibility tests set forth in federal and state law. Payment on  
879 behalf of these Medicaid eligible persons is subject to the  
880 availability of moneys and any limitations established by the  
881 General Appropriations Act or chapter 216.

882 (9) Eligible women with incomes at or below 200 percent of  
883 the federal poverty level and under age 65, for cancer treatment  
884 pursuant to the federal Breast and Cervical Cancer Prevention  
885 and Treatment Act of 2000, screened through the Mary Brogan  
886 Breast and Cervical Cancer Early Detection Program established  
887 under s. 385.20253 ~~s. 381.93~~.

888 Section 20. Section 381.0054, Florida Statutes, is  
889 repealed.

890 Section 21. Section 381.732, Florida Statutes, is repealed.

891 Section 22. Section 381.733, Florida Statutes, is repealed.

892 Section 23. Section 381.734, Florida Statutes, is repealed.

893 Section 24. Section 381.87, Florida Statutes, is repealed.

894 Section 25. Section 385.103, Florida Statutes, is repealed.

895 Section 26. This act shall take effect July 1, 2012.