

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.