

HB 511

2014

1 A bill to be entitled

2 An act relating to cancer control and research;
3 amending s. 1004.435, F.S.; revising definitions;
4 revising the membership of the Florida Cancer Control
5 and Research Advisory Council and selection of the
6 council chairperson; authorizing renewal of member
7 terms; revising compensation of council members;
8 requiring a statewide research plan; deleting council,
9 Board of Governors, and State Surgeon General duties
10 relating to the awarding of grants and contracts for
11 cancer-related programs; deleting council duties
12 relating to the development of written summaries of
13 treatment alternatives; deleting financial aid
14 provisions and the Florida Cancer Control and Research
15 Fund; amending ss. 458.324, and 459.0125, F.S.;
16 conforming provisions; providing an effective date.

17
18 Be It Enacted by the Legislature of the State of Florida:

19
20 Section 1. Paragraphs (d) and (e) of subsection (3) and
21 subsections (4), (5), and (6) of section 1004.435, Florida
22 Statutes, are amended to read:

23 1004.435 Cancer control and research.—

24 (3) DEFINITIONS.—The following words and phrases when used
25 in this section have, unless the context clearly indicates
26 otherwise, the meanings given to them in this subsection:

Page 1 of 14

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

hb0511-00

27 ~~(d) "Fund" means the Florida Cancer Control and Research~~
 28 ~~Fund established by this section.~~

29 ~~(e) "Qualified nonprofit association" means any~~
 30 ~~association, incorporated or unincorporated, that has received~~
 31 ~~tax exempt status from the Internal Revenue Service.~~

32 (4) FLORIDA CANCER CONTROL AND RESEARCH ADVISORY COUNCIL;
 33 CREATION; COMPOSITION.—

34 (a) There is created within the H. Lee Moffitt Cancer
 35 Center and Research Institute, Inc., the Florida Cancer Control
 36 and Research Advisory Council. The council shall consist of 15
 37 ~~35~~ members, which includes the chairperson, all of whom must be
 38 residents of this state. The State Surgeon General or his or her
 39 designee within the Department of Health shall be one of the 15
 40 members. All Members, except those appointed by the Governor,
 41 the Speaker of the House of Representatives, or and the
 42 President of the Senate, must be appointed by the chief
 43 executive officer of the institution or organization
 44 represented, or his or her designee Governor. ~~At least one of~~
 45 ~~the members appointed by the Governor must be 60 years of age or~~
 46 ~~older.~~ One member must be a representative of the American
 47 Cancer Society; ~~one member must be a representative of the~~
 48 ~~Florida Tumor Registrars Association;~~ one member must be a
 49 representative of the Sylvester Comprehensive Cancer Center of
 50 the University of Miami; ~~one member must be a representative of~~
 51 ~~the Department of Health;~~ one member must be a representative of
 52 the University of Florida Shands Cancer Center; ~~one member must~~

53 ~~be a representative of the Agency for Health Care~~
 54 ~~Administration;~~ one member must be a representative of the
 55 Florida Nurses Association who specializes in the field of
 56 oncology; one member must be a representative of the Florida
 57 Osteopathic Medical Association who specializes in the field of
 58 oncology; ~~one member must be a representative of the American~~
 59 ~~College of Surgeons;~~ ~~one member must be a representative of the~~
 60 ~~School of Medicine of the University of Miami;~~ ~~one member must~~
 61 ~~be a representative of the College of Medicine of the University~~
 62 ~~of Florida;~~ ~~one member must be a representative of NOVA~~
 63 ~~Southeastern College of Osteopathic Medicine;~~ ~~one member must be~~
 64 ~~a representative of the College of Medicine of the University of~~
 65 ~~South Florida;~~ ~~one member must be a representative of the~~
 66 ~~College of Public Health of the University of South Florida;~~ ~~one~~
 67 ~~member must be a representative of the Florida Society of~~
 68 ~~Clinical Oncology;~~ ~~one member must be a representative of the~~
 69 ~~Florida Obstetric and Gynecologic Society who has had training~~
 70 ~~in the specialty of gynecologic oncology;~~ ~~one member must be a~~
 71 ~~representative of the Florida Ovarian Cancer Alliance Speaks~~
 72 ~~(FOCAS) organization;~~ one member must be a representative of the
 73 Florida Medical Association who specializes in the field of
 74 oncology; ~~one member must be a member of the Florida Pediatric~~
 75 ~~Society;~~ ~~one member must be a representative of the Florida~~
 76 ~~Radiological Society;~~ ~~one member must be a representative of the~~
 77 ~~Florida Society of Pathologists;~~ one member must be a
 78 representative of the H. Lee Moffitt Cancer Center and Research

79 Institute, Inc.; one member must be a representative of the
 80 Florida Hospital Association who specializes in the field of
 81 oncology; one member must be a representative of the Association
 82 Community Cancer Centers; one member must specialize in
 83 pediatric oncology research or clinical care appointed by the
 84 Governor; one member must specialize in oncology clinical care
 85 or research appointed by the President of the Senate; one member
 86 must be a current or former cancer patient or a current or
 87 former caregiver to a cancer patient appointed by the Speaker of
 88 the House of Representatives ~~three members must be~~
 89 ~~representatives of the general public acting as consumer~~
 90 ~~advocates; one member must be a member of the House of~~
 91 ~~Representatives appointed by the Speaker of the House of~~
 92 ~~Representatives; and one member must be a member of the Senate~~
 93 ~~appointed by the President of the Senate; one member must be a~~
 94 ~~representative of the Florida Dental Association; one member~~
 95 ~~must be a representative of the Florida Hospital Association;~~
 96 ~~one member must be a representative of the Association of~~
 97 ~~Community Cancer Centers; one member shall be a representative~~
 98 ~~from a statutory teaching hospital affiliated with a community-~~
 99 ~~based cancer center; one member must be a representative of the~~
 100 ~~Florida Association of Pediatric Tumor Programs, Inc.; one~~
 101 ~~member must be a representative of the Cancer Information~~
 102 ~~Service; one member must be a representative of the Florida~~
 103 ~~Agricultural and Mechanical University Institute of Public~~
 104 ~~Health; and one member must be a representative of the Florida~~

105 ~~Society of Oncology Social Workers. Of the members of the~~
106 ~~council appointed by the Governor,~~ At least four of the members
107 ~~10~~ must be individuals who are minority persons as defined by s.
108 288.703.

109 (b) The terms of the members shall be 4 years from their
110 respective dates of appointment with the option of renewal.

111 (c) A chairperson shall be selected by the council
112 ~~appointed by the Governor~~ for a term of 2 years. The chairperson
113 shall appoint an executive committee of no fewer than three
114 persons to serve at the pleasure of the chairperson. This
115 committee will prepare material for the council but make no
116 final decisions.

117 (d) The council shall meet no less than semiannually at
118 the call of the chairperson or, in his or her absence or
119 incapacity, at the call of the State Surgeon General. Eight
120 ~~Sixteen~~ members constitute a quorum for the purpose of
121 exercising all of the powers of the council. A vote of the
122 majority of the members present is sufficient for all actions of
123 the council.

124 (e) The council members shall serve without pay. Pursuant
125 to the provisions of s. 112.061, the council members may be
126 entitled to be reimbursed for ~~per diem and~~ travel expenses by
127 the institution or organization the member represents. If a
128 member is not affiliated with an institution or organization,
129 the member shall be reimbursed for travel expenses by the H. Lee
130 Moffitt Cancer Center and Research Institute, Inc.

131 ~~(f) No member of the council shall participate in any~~
132 ~~discussion or decision to recommend grants or contracts to any~~
133 ~~qualified nonprofit association or to any agency of this state~~
134 ~~or its political subdivisions with which the member is~~
135 ~~associated as a member of the governing body or as an employee~~
136 ~~or with which the member has entered into a contractual~~
137 ~~arrangement.~~

138 (f)~~(g)~~ The council may prescribe, amend, and repeal bylaws
139 governing the manner in which the business of the council is
140 conducted.

141 (g)~~(h)~~ The council shall advise the Board of Governors,
142 the State Surgeon General, and the Legislature with respect to
143 cancer control and research in this state.

144 (h)~~(i)~~ The council shall approve each year a program for
145 cancer control and research to be known as the "Florida Cancer
146 Plan" which shall be consistent with the State Health Plan and
147 integrated and coordinated with existing programs in this state.

148 (i)~~(j)~~ The council shall formulate and recommend to the
149 State Surgeon General a statewide research plan and a plan for
150 the care and treatment of persons suffering from cancer and
151 recommend the establishment of standard requirements for the
152 organization, equipment, and conduct of cancer units or
153 departments in hospitals and clinics in this state. The council
154 may recommend to the State Surgeon General the designation of
155 cancer units following a survey of the needs and facilities for
156 treatment of cancer in the various localities throughout the

157 state. The State Surgeon General shall consider the plan in
 158 developing departmental priorities and funding priorities and
 159 standards under chapter 395.

160 (j)~~(k)~~ The council is responsible for including in the
 161 Florida Cancer Plan recommendations for the coordination and
 162 integration of medical, nursing, paramedical, lay, and other
 163 plans concerned with cancer control and research. Committees
 164 shall be formed by the council so that the following areas will
 165 be established as entities for actions:

166 1. Cancer plan evaluation: tumor registry, data retrieval
 167 systems, and epidemiology of cancer in the state and its
 168 relation to other areas.

169 2. Cancer prevention.

170 3. Cancer detection.

171 4. Cancer patient management: treatment, rehabilitation,
 172 terminal care, and other patient-oriented activities.

173 5. Cancer education: lay and professional.

174 6. Unproven methods of cancer therapy: quackery and
 175 unorthodox therapies.

176 7. Investigator-initiated project research.

177 ~~(l) In order to implement in whole or in part the Florida~~
 178 ~~Cancer Plan, the council shall recommend to the Board of~~
 179 ~~Governors or the State Surgeon General the awarding of grants~~
 180 ~~and contracts to qualified profit or nonprofit associations or~~
 181 ~~governmental agencies in order to plan, establish, or conduct~~
 182 ~~programs in cancer control or prevention, cancer education and~~

183 ~~training, and cancer research.~~

184 ~~(m) If funds are specifically appropriated by the~~
185 ~~Legislature, the council shall develop or purchase standardized~~
186 ~~written summaries, written in layperson's terms and in language~~
187 ~~easily understood by the average adult patient, informing actual~~
188 ~~and high-risk breast cancer patients, prostate cancer patients,~~
189 ~~and men who are considering prostate cancer screening of the~~
190 ~~medically viable treatment alternatives available to them in the~~
191 ~~effective management of breast cancer and prostate cancer;~~
192 ~~describing such treatment alternatives; and explaining the~~
193 ~~relative advantages, disadvantages, and risks associated~~
194 ~~therewith. The breast cancer summary, upon its completion, shall~~
195 ~~be printed in the form of a pamphlet or booklet and made~~
196 ~~continuously available to physicians and surgeons in this state~~
197 ~~for their use in accordance with s. 458.324 and to osteopathic~~
198 ~~physicians in this state for their use in accordance with s.~~
199 ~~459.0125. The council shall periodically update both summaries~~
200 ~~to reflect current standards of medical practice in the~~
201 ~~treatment of breast cancer and prostate cancer. The council~~
202 ~~shall develop and implement educational programs, including~~
203 ~~distribution of the summaries developed or purchased under this~~
204 ~~paragraph, to inform citizen groups, associations, and voluntary~~
205 ~~organizations about early detection and treatment of breast~~
206 ~~cancer and prostate cancer.~~

207 ~~(k) (n)~~ The council shall have the responsibility to advise
208 the Board of Governors and the State Surgeon General on methods

209 of enforcing and implementing laws already enacted and concerned
 210 with cancer control, research, and education.

211 (l)~~(e)~~ The council may recommend to the Board of Governors
 212 or the State Surgeon General rules not inconsistent with law as
 213 it may deem necessary for the performance of its duties and the
 214 proper administration of this section.

215 (m)~~(f)~~ The council shall formulate and put into effect a
 216 continuing educational program for the prevention of cancer and
 217 its early diagnosis and disseminate to hospitals, cancer
 218 patients, and the public information concerning the proper
 219 treatment of cancer.

220 (n)~~(g)~~ The council shall be physically located at the H.
 221 Lee Moffitt Cancer Center and Research Institute, Inc., at the
 222 University of South Florida.

223 (o)~~(r)~~ The council shall select, by majority vote, seven
 224 members of the council who must combine with six members of the
 225 Biomedical Research Advisory Council to form a joint committee
 226 to develop performance measures, a rating system, a rating
 227 standard, and an application form for the Cancer Center of
 228 Excellence Award created in s. 381.925.

229 (p)~~(s)~~ On February 15 of each year, the council shall
 230 report to the Governor and to the Legislature.

231 (5) RESPONSIBILITIES OF ~~THE BOARD OF GOVERNORS,~~ THE H. LEE
 232 MOFFITT CANCER CENTER AND RESEARCH INSTITUTE, INC., ~~AND THE~~
 233 ~~STATE SURGEON GENERAL.~~

234 ~~(a) The Board of Governors or the State Surgeon General,~~

HB 511

2014

235 ~~after consultation with the council, shall award grants and~~
236 ~~contracts to qualified nonprofit associations and governmental~~
237 ~~agencies in order to plan, establish, or conduct programs in~~
238 ~~cancer control and prevention, cancer education and training,~~
239 ~~and cancer research.~~

240 ~~(b)~~ The H. Lee Moffitt Cancer Center and Research
241 Institute, Inc., shall provide such staff, information, and
242 other assistance as reasonably necessary for the completion of
243 the responsibilities of the council.

244 ~~(c)~~ The department may furnish to citizens of this state
245 who are afflicted with cancer financial aid to the extent of the
246 appropriation provided for that purpose in a manner which in its
247 opinion will afford the greatest benefit to those afflicted and
248 may make arrangements with hospitals, laboratories, or clinics
249 to afford proper care and treatment for cancer patients in this
250 state.

251 ~~(6) FLORIDA CANCER CONTROL AND RESEARCH FUND.—~~

252 ~~(a)~~ There is created the Florida Cancer Control and
253 Research Fund consisting of funds appropriated therefor from the
254 General Revenue Fund and any gifts, grants, or funds received
255 from other sources.

256 ~~(b)~~ The fund shall be used exclusively for grants and
257 contracts to qualified nonprofit associations or governmental
258 agencies for the purpose of cancer control and prevention,
259 cancer education and training, cancer research, and all expenses
260 incurred in connection with the administration of this section

261 ~~and the programs funded through the grants and contracts~~
 262 ~~authorized by the State Board of Education or the State Surgeon~~
 263 ~~General.~~

264 Section 2. Subsections (1) and (2) of section 458.324,
 265 Florida Statutes, are amended to read:

266 458.324 Breast cancer; information on treatment
 267 alternatives.—

268 (1) DEFINITION.—As used in this section, the term
 269 "medically viable," as applied to treatment alternatives, means
 270 modes of treatment generally considered by the medical
 271 profession to be within the scope of current, acceptable
 272 standards, ~~including treatment alternatives described in the~~
 273 ~~written summary prepared by the Florida Cancer Control and~~
 274 ~~Research Advisory Council in accordance with s. 1004.435(4)(m).~~

275 (2) COMMUNICATION OF TREATMENT ALTERNATIVES.—

276 (a) Each physician treating a patient who is, or in the
 277 judgment of the physician is at high risk of being, diagnosed as
 278 having breast cancer shall inform such patient of the medically
 279 viable treatment alternatives available to such patient; shall
 280 describe such treatment alternatives; and shall explain the
 281 relative advantages, disadvantages, and risks associated with
 282 the treatment alternatives to the extent deemed necessary to
 283 allow the patient to make a prudent decision regarding such
 284 treatment options. In compliance with this subsection, +

285 ~~(a)~~ the physician may, in his or her discretion, +

286 ~~1.~~ orally communicate such information directly to the

287 patient or the patient's legal representative;

288 ~~2. Provide the patient or the patient's legal~~
 289 ~~representative with a copy of the written summary prepared in~~
 290 ~~accordance with s. 1004.435(4) (m) and express a willingness to~~
 291 ~~discuss the summary with the patient or the patient's legal~~
 292 ~~representative; or~~

293 ~~3. Both communicate such information directly and provide~~
 294 ~~a copy of the written summary to the patient or the patient's~~
 295 ~~legal representative for further consideration and possible~~
 296 ~~later discussion.~~

297 (b) In providing such information, the physician shall
 298 take into consideration the emotional state of the patient, the
 299 physical state of the patient, and the patient's ability to
 300 understand the information.

301 (c) The physician may, in his or her discretion and
 302 without restriction, recommend any mode of treatment which is in
 303 his or her judgment the best treatment for the patient.

304
 305 Nothing in this subsection shall reduce other provisions of law
 306 regarding informed consent.

307 Section 3. Subsections (1) and (2) of section 459.0125,
 308 Florida Statutes, are amended to read:

309 459.0125 Breast cancer; information on treatment
 310 alternatives.—

311 (1) DEFINITION.—As used in this section, the term
 312 "medically viable," as applied to treatment alternatives, means

HB 511

2014

313 modes of treatment generally considered by the medical
314 profession to be within the scope of current, acceptable
315 standards, ~~including treatment alternatives described in the~~
316 ~~written summary prepared by the Florida Cancer Control and~~
317 ~~Research Advisory Council in accordance with s. 1004.435(4)(m).~~

318 (2) COMMUNICATION OF TREATMENT ALTERNATIVES.—

319 (a) It is the obligation of every physician treating a
320 patient who is, or in the judgment of the physician is at high
321 risk of being, diagnosed as having breast cancer to inform such
322 patient of the medically viable treatment alternatives available
323 to such patient; to describe such treatment alternatives; and to
324 explain the relative advantages, disadvantages, and risks
325 associated with the treatment alternatives to the extent deemed
326 necessary to allow the patient to make a prudent decision
327 regarding such treatment options. In compliance with this
328 subsection, ÷

329 ~~(a)~~ the physician may, in her or his discretion, ÷

330 ~~1.~~ orally communicate such information directly to the
331 patient or the patient's legal representative; ~~÷~~

332 ~~2.~~ ~~Provide the patient or the patient's legal~~
333 ~~representative with a copy of the written summary prepared in~~
334 ~~accordance with s. 1004.435(4)(m) and express her or his~~
335 ~~willingness to discuss the summary with the patient or the~~
336 ~~patient's legal representative; or~~

337 ~~3.~~ ~~Both communicate such information directly and provide~~
338 ~~a copy of the written summary to the patient or the patient's~~

HB 511

2014

339 ~~legal representative for further consideration and possible~~
340 ~~later discussion.~~

341 (b) In providing such information, the physician shall
342 take into consideration the emotional state of the patient, the
343 physical state of the patient, and the patient's ability to
344 understand the information.

345 (c) The physician may, in her or his discretion and
346 without restriction, recommend any mode of treatment which is in
347 the physician's judgment the best treatment for the patient.

348

349 Nothing in this subsection shall reduce other provisions of law
350 regarding informed consent.

351 Section 4. This act shall take effect July 1, 2014.