



657682

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/06/2014	.	
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Appropriations Subcommittee on Health and Human Services (Sobel)
recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

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

1004.435 Cancer control and research.—

(3) DEFINITIONS.—The following words and phrases when used
in this section have, unless the context clearly indicates



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11 otherwise, the meanings given to them in this subsection:

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

14 ~~(e) "Qualified nonprofit association" means any~~
15 ~~association, incorporated or unincorporated, that has received~~
16 ~~tax-exempt status from the Internal Revenue Service.~~

17 (4) FLORIDA CANCER CONTROL AND RESEARCH ADVISORY COUNCIL;
18 CREATION; COMPOSITION.—

19 (a) There is created within the H. Lee Moffitt Cancer
20 Center and Research Institute, Inc., the Florida Cancer Control
21 and Research Advisory Council. The council shall consist of 15
22 ~~35~~ members, which includes the chairperson, all of whom must be
23 residents of this state. The State Surgeon General or his or her
24 designee within the Department of Health shall be one of the 15
25 members. ~~All~~ Members, except those appointed by the Governor,
26 the Speaker of the House of Representatives, or ~~and~~ the
27 President of the Senate, must be appointed by the chief
28 executive officer of the institution or organization
29 represented, or his or her designee ~~Governor.~~ ~~At least one of~~
30 ~~the members appointed by the Governor must be 60 years of age or~~
31 ~~older.~~ One member must be a representative of the American
32 Cancer Society; ~~one member must be a representative of the~~
33 ~~Florida Tumor Registrars Association;~~ one member must be a
34 representative of the Sylvester Comprehensive Cancer Center of
35 the University of Miami; ~~one member must be a representative of~~
36 ~~the Department of Health;~~ one member must be a representative of
37 the University of Florida Shands Cancer Center; ~~one member must~~
38 ~~be a representative of the Agency for Health Care~~
39 ~~Administration;~~ one member must be a representative of the



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40 Florida Nurses Association who specializes in the field of
41 oncology and is not from an institution or organization already
42 represented on the council; one member must be a representative
43 of the Florida Osteopathic Medical Association who specializes
44 in the field of oncology; ~~one member must be a representative of~~
45 ~~the American College of Surgeons; one member must be a~~
46 ~~representative of the School of Medicine of the University of~~
47 ~~Miami; one member must be a representative of the College of~~
48 ~~Medicine of the University of Florida; one member must be a~~
49 ~~representative of NOVA Southeastern College of Osteopathic~~
50 ~~Medicine; one member must be a representative of the College of~~
51 ~~Medicine of the University of South Florida; one member must be~~
52 ~~a representative of the College of Public Health of the~~
53 ~~University of South Florida; one member must be a representative~~
54 ~~of the Florida Society of Clinical Oncology; one member must be~~
55 ~~a representative of the Florida Obstetric and Gynecologic~~
56 ~~Society who has had training in the specialty of gynecologic~~
57 ~~oncology; one member must be a representative of the Florida~~
58 ~~Ovarian Cancer Alliance Speaks (FOCAS) organization; one member~~
59 ~~must be a member representative of the Florida Medical~~
60 ~~Association who specializes in the field of oncology and who~~
61 ~~represents a cancer center not already represented on the~~
62 ~~council; one member must be a member of the Florida Pediatric~~
63 ~~Society; one member must be a representative of the Florida~~
64 ~~Radiological Society; one member must be a representative of the~~
65 ~~Florida Society of Pathologists; one member must be a~~
66 ~~representative of the H. Lee Moffitt Cancer Center and Research~~
67 ~~Institute, Inc.; one member must be a member of the Florida~~
68 ~~Hospital Association who specializes in the field of oncology~~



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69 and who represents a comprehensive cancer center not already
70 represented on the council; one member must be a representative
71 of the Association of Community Cancer Centers; one member must
72 specialize in pediatric oncology research or clinical care
73 appointed by the Governor; one member must specialize in
74 oncology clinical care or research appointed by the President of
75 the Senate; one member must be a current or former cancer
76 patient or a current or former caregiver to a cancer patient
77 appointed by the Speaker of the House of Representatives ~~three~~
78 ~~members must be representatives of the general public acting as~~
79 ~~consumer advocates; one member must be a member of the House of~~
80 ~~Representatives appointed by the Speaker of the House of~~
81 ~~Representatives; and one member must be a member of the Senate~~
82 ~~appointed by the President of the Senate; one member must be a~~
83 ~~representative of the Florida Dental Association; one member~~
84 ~~must be a representative of the Florida Hospital Association;~~
85 ~~one member must be a representative of the Association of~~
86 ~~Community Cancer Centers; one member shall be a representative~~
87 ~~from a statutory teaching hospital affiliated with a community-~~
88 ~~based cancer center; one member must be a representative of the~~
89 ~~Florida Association of Pediatric Tumor Programs, Inc.; one~~
90 ~~member must be a representative of the Cancer Information~~
91 ~~Service; one member must be a representative of the Florida~~
92 ~~Agricultural and Mechanical University Institute of Public~~
93 ~~Health; and one member must be a representative of the Florida~~
94 ~~Society of Oncology Social Workers. Of the members of the~~
95 council appointed by the Governor, At least four of the members
96 ~~10~~ must be individuals who are minority persons as defined by s.
97 288.703.



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

100 (c) A chairperson shall be selected by the council
101 ~~appointed by the Governor~~ for a term of 2 years. The chairperson
102 shall appoint an executive committee of no fewer than three
103 persons to serve at the pleasure of the chairperson. This
104 committee will prepare material for the council but make no
105 final decisions.

106 (d) The council shall meet no less than semiannually at the
107 call of the chairperson or, in his or her absence or incapacity,
108 at the call of the State Surgeon General. Eight ~~Sixteen~~ members
109 constitute a quorum for the purpose of exercising all of the
110 powers of the council. A vote of the majority of the members
111 present is sufficient for all actions of the council.

112 (e) The council members shall serve without pay. Pursuant
113 to the provisions of s. 112.061, the council members may be
114 entitled to be reimbursed for ~~per diem and~~ travel expenses by
115 the institution or organization the member represents. If a
116 member is not affiliated with an institution or organization,
117 the member shall be reimbursed for travel expenses by the H. Lee
118 Moffitt Cancer Center and Research Institute, Inc.

119 ~~(f) No member of the council shall participate in any~~
120 ~~discussion or decision to recommend grants or contracts to any~~
121 ~~qualified nonprofit association or to any agency of this state~~
122 ~~or its political subdivisions with which the member is~~
123 ~~associated as a member of the governing body or as an employee~~
124 ~~or with which the member has entered into a contractual~~
125 ~~arrangement.~~

126 (f)(g) The council may prescribe, amend, and repeal bylaws



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127 governing the manner in which the business of the council is
128 conducted.

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

132 (h)~~(i)~~ The council shall approve each year a program for
133 cancer control and research to be known as the "Florida Cancer
134 Control and Research Plan" which shall be consistent with the
135 State Health Plan and integrated and coordinated with existing
136 programs in this state.

137 (i)~~(j)~~ The council shall collaborate with the Florida
138 Biomedical Research Advisory Council to formulate and annually
139 review and recommend to the State Surgeon General a statewide
140 research plan. Additionally, the council shall develop and
141 annually review a statewide "Florida Cancer Treatment Plan" plan
142 for the care and treatment of persons suffering from cancer. The
143 council shall ~~and~~ recommend the establishment of standard
144 requirements for the organization, equipment, and conduct of
145 cancer units or departments in hospitals and clinics in this
146 state. The council may recommend to the State Surgeon General
147 the designation of cancer units following a survey of the needs
148 and facilities for treatment of cancer in the various localities
149 throughout the state. The State Surgeon General shall consider
150 the plans ~~plan~~ in developing departmental priorities and funding
151 priorities and standards under chapter 395.

152 (j)~~(k)~~ The council is responsible for including in the
153 Florida Cancer Control and Research Plan recommendations for the
154 coordination and integration of medical, nursing, paramedical,
155 lay, and other plans concerned with cancer control and research.



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156 Committees shall be formed by the council so that the following
157 areas will be established as entities for actions:

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

161 2. Cancer prevention.

162 3. Cancer detection.

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

165 5. Cancer education: lay and professional.

166 6. Unproven methods of cancer therapy: quackery and
167 unorthodox therapies.

168 7. Investigator-initiated project research.

169 ~~(l) In order to implement in whole or in part the Florida~~
170 ~~Cancer Plan, the council shall recommend to the Board of~~
171 ~~Governors or the State Surgeon General the awarding of grants~~
172 ~~and contracts to qualified profit or nonprofit associations or~~
173 ~~governmental agencies in order to plan, establish, or conduct~~
174 ~~programs in cancer control or prevention, cancer education and~~
175 ~~training, and cancer research.~~

176 ~~(m) If funds are specifically appropriated by the~~
177 ~~Legislature, the council shall develop or purchase standardized~~
178 ~~written summaries, written in layperson's terms and in language~~
179 ~~easily understood by the average adult patient, informing actual~~
180 ~~and high-risk breast cancer patients, prostate cancer patients,~~
181 ~~and men who are considering prostate cancer screening of the~~
182 ~~medically viable treatment alternatives available to them in the~~
183 ~~effective management of breast cancer and prostate cancer;~~
184 ~~describing such treatment alternatives; and explaining the~~



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185 ~~relative advantages, disadvantages, and risks associated~~
186 ~~therewith. The breast cancer summary, upon its completion, shall~~
187 ~~be printed in the form of a pamphlet or booklet and made~~
188 ~~continuously available to physicians and surgeons in this state~~
189 ~~for their use in accordance with s. 458.324 and to osteopathic~~
190 ~~physicians in this state for their use in accordance with s.~~
191 ~~459.0125. The council shall periodically update both summaries~~
192 ~~to reflect current standards of medical practice in the~~
193 ~~treatment of breast cancer and prostate cancer. The council~~
194 ~~shall develop and implement educational programs, including~~
195 ~~distribution of the summaries developed or purchased under this~~
196 ~~paragraph, to inform citizen groups, associations, and voluntary~~
197 ~~organizations about early detection and treatment of breast~~
198 ~~cancer and prostate cancer.~~

199 ~~(k)~~ (k) The council shall have the responsibility to advise
200 the Board of Governors and the State Surgeon General on methods
201 of enforcing and implementing laws already enacted and concerned
202 with cancer control, research, and education.

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

207 ~~(m)~~ (m) The council shall formulate and put into effect a
208 continuing educational program for the prevention of cancer and
209 its early diagnosis and disseminate to hospitals, cancer
210 patients, and the public information concerning the proper
211 treatment of cancer.

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



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214 University of South Florida.

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

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

223 (5) RESPONSIBILITIES OF ~~THE BOARD OF GOVERNORS,~~ THE H. LEE
224 MOFFITT CANCER CENTER AND RESEARCH INSTITUTE, INC., ~~AND THE~~
225 ~~STATE SURGEON GENERAL.~~

226 ~~(a) The Board of Governors or the State Surgeon General,~~
227 ~~after consultation with the council, shall award grants and~~
228 ~~contracts to qualified nonprofit associations and governmental~~
229 ~~agencies in order to plan, establish, or conduct programs in~~
230 ~~cancer control and prevention, cancer education and training,~~
231 ~~and cancer research.~~

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

236 ~~(c) The department may furnish to citizens of this state~~
237 ~~who are afflicted with cancer financial aid to the extent of the~~
238 ~~appropriation provided for that purpose in a manner which in its~~
239 ~~opinion will afford the greatest benefit to those afflicted and~~
240 ~~may make arrangements with hospitals, laboratories, or clinics~~
241 ~~to afford proper care and treatment for cancer patients in this~~
242 ~~state.~~



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243 ~~(6) FLORIDA CANCER CONTROL AND RESEARCH FUND.—~~
244 ~~(a) There is created the Florida Cancer Control and~~
245 ~~Research Fund consisting of funds appropriated therefor from the~~
246 ~~General Revenue Fund and any gifts, grants, or funds received~~
247 ~~from other sources.~~
248 ~~(b) The fund shall be used exclusively for grants and~~
249 ~~contracts to qualified nonprofit associations or governmental~~
250 ~~agencies for the purpose of cancer control and prevention,~~
251 ~~cancer education and training, cancer research, and all expenses~~
252 ~~incurred in connection with the administration of this section~~
253 ~~and the programs funded through the grants and contracts~~
254 ~~authorized by the State Board of Education or the State Surgeon~~
255 ~~General.~~
256 Section 2. Subsections (1) and (2) of section 458.324,
257 Florida Statutes, are amended to read:
258 458.324 Breast cancer; information on treatment
259 alternatives.—
260 (1) DEFINITION.—As used in this section, the term
261 “medically viable,” as applied to treatment alternatives, means
262 modes of treatment generally considered by the medical
263 profession to be within the scope of current, acceptable
264 standards,~~including treatment alternatives described in the~~
265 ~~written summary prepared by the Florida Cancer Control and~~
266 ~~Research Advisory Council in accordance with s. 1004.435(4)(m).~~
267 (2) COMMUNICATION OF TREATMENT ALTERNATIVES.—
268 (a) Each physician treating a patient who is, or in the
269 judgment of the physician is at high risk of being, diagnosed as
270 having breast cancer shall inform such patient of the medically
271 viable treatment alternatives available to such patient; shall



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272 describe such treatment alternatives; and shall explain the
273 relative advantages, disadvantages, and risks associated with
274 the treatment alternatives to the extent deemed necessary to
275 allow the patient to make a prudent decision regarding such
276 treatment options. In compliance with this subsection, ~~÷~~

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

278 ~~1. orally communicate such information directly to the~~
279 ~~patient or the patient's legal representative;~~

280 ~~2. Provide the patient or the patient's legal~~
281 ~~representative with a copy of the written summary prepared in~~
282 ~~accordance with s. 1004.435(4) (m) and express a willingness to~~
283 ~~discuss the summary with the patient or the patient's legal~~
284 ~~representative; or~~

285 ~~3. Both communicate such information directly and provide a~~
286 ~~copy of the written summary to the patient or the patient's~~
287 ~~legal representative for further consideration and possible~~
288 ~~later discussion.~~

289 (b) In providing such information, the physician shall take
290 into consideration the emotional state of the patient, the
291 physical state of the patient, and the patient's ability to
292 understand the information.

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

296
297 Nothing in this subsection shall reduce other provisions of law
298 regarding informed consent.

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



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301 459.0125 Breast cancer; information on treatment
302 alternatives.-

303 (1) DEFINITION.—As used in this section, the term
304 “medically viable,” as applied to treatment alternatives, means
305 modes of treatment generally considered by the medical
306 profession to be within the scope of current, acceptable
307 standards, ~~including treatment alternatives described in the~~
308 ~~written summary prepared by the Florida Cancer Control and~~
309 ~~Research Advisory Council in accordance with s. 1004.435(4)(m).~~

310 (2) COMMUNICATION OF TREATMENT ALTERNATIVES.—

311 (a) It is the obligation of every physician treating a
312 patient who is, or in the judgment of the physician is at high
313 risk of being, diagnosed as having breast cancer to inform such
314 patient of the medically viable treatment alternatives available
315 to such patient; to describe such treatment alternatives; and to
316 explain the relative advantages, disadvantages, and risks
317 associated with the treatment alternatives to the extent deemed
318 necessary to allow the patient to make a prudent decision
319 regarding such treatment options. In compliance with this
320 subsection, ~~÷~~

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

322 ~~1.~~ orally communicate such information directly to the
323 patient or the patient’s legal representative; ~~÷~~

324 ~~2.~~ Provide the patient or the patient’s legal
325 representative with a copy of the written summary prepared in
326 accordance with s. 1004.435(4)(m) and express her or his
327 willingness to discuss the summary with the patient or the
328 patient’s legal representative; or

329 ~~3.~~ Both communicate such information directly and provide a



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330 ~~copy of the written summary to the patient or the patient's~~
331 ~~legal representative for further consideration and possible~~
332 ~~later discussion.~~

333 (b) In providing such information, the physician shall take
334 into consideration the emotional state of the patient, the
335 physical state of the patient, and the patient's ability to
336 understand the information.

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

340
341 Nothing in this subsection shall reduce other provisions of law
342 regarding informed consent.

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

344
345 ===== T I T L E A M E N D M E N T =====

346 And the title is amended as follows:

347 Delete everything before the enacting clause
348 and insert:

349 A bill to be entitled
350 An act relating to cancer control and research;
351 amending s. 1004.435, F.S.; revising definitions;
352 revising the membership of the Florida Cancer Control
353 and Research Advisory Council and selection of the
354 council chairperson; authorizing renewal of member
355 terms; revising compensation of council members;
356 renaming the Florida Cancer Plan; requiring the
357 council to collaborate with the Florida Biomedical
358 Research Advisory Council to formulate and review a



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359 statewide research plan; requiring the council to
360 develop and review a statewide treatment plan;
361 deleting council, Board of Governors, and State
362 Surgeon General duties relating to the awarding of
363 grants and contracts for cancer-related programs;
364 deleting council duties relating to the development of
365 written summaries of treatment alternatives; deleting
366 financial aid provisions and the Florida Cancer
367 Control and Research Fund; amending ss. 458.324 and
368 459.0125, F.S.; conforming provisions; providing an
369 effective date.