

By Senator Sobel

33-00984-14

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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; requiring that the  
6       council chairperson be selected by the council;  
7       authorizing renewal of member terms; revising the  
8       compensation of council members; requiring a statewide  
9       research plan; deleting the duties of the council,  
10      Board of Governors, and State Surgeon General relating  
11      to the awarding of grants and contracts for cancer-  
12      related programs; deleting council duties relating to  
13      the development of written summaries of treatment  
14      alternatives; deleting financial aid provisions and  
15      the Florida Cancer Control and Research Fund; amending  
16      ss. 458.324, and 459.0125, F.S.; conforming provisions  
17      to changes made by the act; making technical changes;  
18      providing an effective date.

19  
20 Be It Enacted by the Legislature of the State of Florida:

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

25       1004.435 Cancer control and research.—

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

29       ~~(d) "Fund" means the Florida Cancer Control and Research~~

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30 ~~Fund established by this section.~~

31 ~~(c) "Qualified nonprofit association" means any~~  
32 ~~association, incorporated or unincorporated, that has received~~  
33 ~~tax-exempt status from the Internal Revenue Service.~~

34 (4) FLORIDA CANCER CONTROL AND RESEARCH ADVISORY COUNCIL;  
35 CREATION; COMPOSITION.—

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

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59 Osteopathic Medical Association who specializes in the field of  
60 oncology; ~~one member must be a representative of the American~~  
61 ~~College of Surgeons; one member must be a representative of the~~  
62 ~~School of Medicine of the University of Miami; one member must~~  
63 ~~be a representative of the College of Medicine of the University~~  
64 ~~of Florida; one member must be a representative of NOVA~~  
65 ~~Southeastern College of Osteopathic Medicine; one member must be~~  
66 ~~a representative of the College of Medicine of the University of~~  
67 ~~South Florida; one member must be a representative of the~~  
68 ~~College of Public Health of the University of South Florida; one~~  
69 ~~member must be a representative of the Florida Society of~~  
70 ~~Clinical Oncology; one member must be a representative of the~~  
71 ~~Florida Obstetric and Gynecologic Society who has had training~~  
72 ~~in the specialty of gynecologic oncology; one member must be a~~  
73 ~~representative of the Florida Ovarian Cancer Alliance Speaks~~  
74 ~~(FOCAS) organization; one member must be a representative of the~~  
75 Florida Medical Association who specializes in the field of  
76 oncology; ~~one member must be a member of the Florida Pediatric~~  
77 ~~Society; one member must be a representative of the Florida~~  
78 ~~Radiological Society; one member must be a representative of the~~  
79 ~~Florida Society of Pathologists; one member must be a~~  
80 ~~representative of the H. Lee Moffitt Cancer Center and Research~~  
81 ~~Institute, Inc.;~~ one member must be a representative of the  
82 Florida Hospital Association who specializes in the field of  
83 oncology; one member must be a representative of the Association  
84 of Community Cancer Centers; one member, who shall be appointed  
85 by the Governor, must specialize in pediatric oncology research  
86 or clinical care; one member, who shall be appointed by the  
87 President of the Senate, must specialize in oncology clinical

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88 care or research; one member, who shall be appointed by the  
89 Speaker of the House of Representatives, must be a current or  
90 former cancer patient or a current or former caregiver to a  
91 cancer patient ~~three members must be representatives of the~~  
92 ~~general public acting as consumer advocates; one member must be~~  
93 ~~a member of the House of Representatives appointed by the~~  
94 ~~Speaker of the House of Representatives; and one member must be~~  
95 ~~a member of the Senate appointed by the President of the Senate;~~  
96 ~~one member must be a representative of the Florida Dental~~  
97 ~~Association; one member must be a representative of the Florida~~  
98 ~~Hospital Association; one member must be a representative of the~~  
99 ~~Association of Community Cancer Centers; one member shall be a~~  
100 ~~representative from a statutory teaching hospital affiliated~~  
101 ~~with a community-based cancer center; one member must be a~~  
102 ~~representative of the Florida Association of Pediatric Tumor~~  
103 ~~Programs, Inc.; one member must be a representative of the~~  
104 ~~Cancer Information Service; one member must be a representative~~  
105 ~~of the Florida Agricultural and Mechanical University Institute~~  
106 ~~of Public Health; and one member must be a representative of the~~  
107 ~~Florida Society of Oncology Social Workers. Of the members of~~  
108 ~~the council appointed by the Governor, At least four members 10~~  
109 ~~must be individuals who are minority persons as defined under by~~  
110 ~~s. 288.703.~~

111 (b) The terms of the members shall be 4 years from their  
112 respective dates of appointment with the option of  
113 reappointment.

114 (c) A chairperson shall be selected by the council  
115 ~~appointed by the Governor~~ for a term of 2 years. The chairperson  
116 shall appoint an executive committee of at least ~~no fewer than~~

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117 three persons to serve at the pleasure of the chairperson. This  
118 committee shall ~~will~~ prepare material for the council but make  
119 no final decisions.

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

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

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

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

144 ~~(g)(h)~~ The council shall advise the Board of Governors, the  
145 State Surgeon General, and the Legislature with respect to

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146 cancer control and research in this state.

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

152 (i)~~(j)~~ The council shall formulate and recommend to the  
153 State Surgeon General a statewide research plan and a plan for  
154 the care and treatment of persons suffering from cancer and  
155 shall recommend the establishment of standard requirements for  
156 the organization, equipment, and conduct of cancer units or  
157 departments in hospitals and clinics in this state. The council  
158 may recommend to the State Surgeon General the designation of  
159 cancer units following a survey of the needs and facilities for  
160 treatment of cancer in the various localities throughout the  
161 state. The State Surgeon General shall consider the plan in  
162 developing departmental priorities and funding priorities and  
163 standards under chapter 395.

164 (j)~~(k)~~ The council shall include ~~is responsible for~~  
165 ~~including~~ in the Florida Cancer Plan recommendations for the  
166 coordination and integration of medical, nursing, paramedical,  
167 lay, and other plans concerned with cancer control and research.  
168 The council shall form committees ~~shall be formed by the council~~  
169 so that the following areas will be established as entities for  
170 actions:

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

174 2. Cancer prevention.

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175 3. Cancer detection.

176 4. Cancer patient management, including treatment,  
177 rehabilitation, terminal care, and other patient-oriented  
178 activities.

179 5. Lay and professional cancer education: ~~lay and~~  
180 ~~professional~~.

181 6. Unproven methods of cancer therapy, including quackery  
182 and unorthodox therapies.

183 7. Investigator-initiated project research.

184 ~~(1) In order to implement in whole or in part the Florida~~  
185 ~~Cancer Plan, the council shall recommend to the Board of~~  
186 ~~Governors or the State Surgeon General the awarding of grants~~  
187 ~~and contracts to qualified profit or nonprofit associations or~~  
188 ~~governmental agencies in order to plan, establish, or conduct~~  
189 ~~programs in cancer control or prevention, cancer education and~~  
190 ~~training, and cancer research.~~

191 ~~(m) If funds are specifically appropriated by the~~  
192 ~~Legislature, the council shall develop or purchase standardized~~  
193 ~~written summaries, written in layperson's terms and in language~~  
194 ~~easily understood by the average adult patient, informing actual~~  
195 ~~and high-risk breast cancer patients, prostate cancer patients,~~  
196 ~~and men who are considering prostate cancer screening of the~~  
197 ~~medically viable treatment alternatives available to them in the~~  
198 ~~effective management of breast cancer and prostate cancer;~~  
199 ~~describing such treatment alternatives; and explaining the~~  
200 ~~relative advantages, disadvantages, and risks associated~~  
201 ~~therewith. The breast cancer summary, upon its completion, shall~~  
202 ~~be printed in the form of a pamphlet or booklet and made~~  
203 ~~continuously available to physicians and surgeons in this state~~

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204 ~~for their use in accordance with s. 458.324 and to osteopathic~~  
205 ~~physicians in this state for their use in accordance with s.~~  
206 ~~459.0125. The council shall periodically update both summaries~~  
207 ~~to reflect current standards of medical practice in the~~  
208 ~~treatment of breast cancer and prostate cancer. The council~~  
209 ~~shall develop and implement educational programs, including~~  
210 ~~distribution of the summaries developed or purchased under this~~  
211 ~~paragraph, to inform citizen groups, associations, and voluntary~~  
212 ~~organizations about early detection and treatment of breast~~  
213 ~~cancer and prostate cancer.~~

214 (k) ~~(n)~~ The council shall ~~have the responsibility to~~ advise  
215 the Board of Governors and the State Surgeon General on methods  
216 of enforcing and implementing laws already enacted and concerned  
217 with cancer control, research, and education.

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

222 (m) ~~(p)~~ The council shall formulate and put into effect a  
223 continuing educational program for the prevention of cancer and  
224 its early diagnosis and disseminate to hospitals, cancer  
225 patients, and the public information concerning the proper  
226 treatment of cancer.

227 (n) ~~(q)~~ The council shall be physically located at the H.  
228 Lee Moffitt Cancer Center and Research Institute, Inc., at the  
229 University of South Florida.

230 (o) ~~(r)~~ The council shall select, by majority vote, seven  
231 members of the council who, ~~must combine~~ with six members of the  
232 Biomedical Research Advisory Council, shall ~~to~~ form a joint



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233 committee to develop performance measures, a rating system, a  
234 rating standard, and an application form for the Cancer Center  
235 of Excellence Award created in s. 381.925.

236 ~~(p)~~~~(s)~~ ~~On February 15 of each year,~~ The council shall  
237 report to the Governor and ~~to~~ the Legislature on February 15 of  
238 each year.

239 (5) RESPONSIBILITIES OF ~~THE BOARD OF GOVERNORS,~~ THE H. LEE  
240 MOFFITT CANCER CENTER AND RESEARCH INSTITUTE, INC., ~~AND THE~~  
241 ~~STATE SURGEON GENERAL.~~

242 ~~(a) The Board of Governors or the State Surgeon General,~~  
243 ~~after consultation with the council, shall award grants and~~  
244 ~~contracts to qualified nonprofit associations and governmental~~  
245 ~~agencies in order to plan, establish, or conduct programs in~~  
246 ~~cancer control and prevention, cancer education and training,~~  
247 ~~and cancer research.~~

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

252 ~~(c) The department may furnish to citizens of this state~~  
253 ~~who are afflicted with cancer financial aid to the extent of the~~  
254 ~~appropriation provided for that purpose in a manner which in its~~  
255 ~~opinion will afford the greatest benefit to those afflicted and~~  
256 ~~may make arrangements with hospitals, laboratories, or clinics~~  
257 ~~to afford proper care and treatment for cancer patients in this~~  
258 ~~state.~~

259 ~~(6) FLORIDA CANCER CONTROL AND RESEARCH FUND.~~

260 ~~(a) There is created the Florida Cancer Control and~~  
261 ~~Research Fund consisting of funds appropriated therefor from the~~

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262 ~~General Revenue Fund and any gifts, grants, or funds received~~  
263 ~~from other sources.~~

264 ~~(b) The fund shall be used exclusively for grants and~~  
265 ~~contracts to qualified nonprofit associations or governmental~~  
266 ~~agencies for the purpose of cancer control and prevention,~~  
267 ~~cancer education and training, cancer research, and all expenses~~  
268 ~~incurred in connection with the administration of this section~~  
269 ~~and the programs funded through the grants and contracts~~  
270 ~~authorized by the State Board of Education or the State Surgeon~~  
271 ~~General.~~

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

274 458.324 Breast cancer; information on treatment  
275 alternatives.-

276 (1) DEFINITION.-As used in this section, the term  
277 "medically viable," as applied to treatment alternatives, means  
278 modes of treatment generally considered by the medical  
279 profession to be within the scope of current, acceptable  
280 standards, ~~including treatment alternatives described in the~~  
281 ~~written summary prepared by the Florida Cancer Control and~~  
282 ~~Research Advisory Council in accordance with s. 1004.435(4)(m).~~

283 (2) COMMUNICATION OF TREATMENT ALTERNATIVES.-

284 (a) Each physician treating a patient who is, or in the  
285 judgment of the physician is at high risk of being, diagnosed as  
286 having breast cancer shall inform such patient of the medically  
287 viable treatment alternatives available to such patient; shall  
288 describe such treatment alternatives; and shall explain the  
289 relative advantages, disadvantages, and risks associated with  
290 the treatment alternatives to the extent deemed necessary to

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291 allow the patient to make a prudent decision regarding such  
 292 treatment options. In compliance with this subsection, +

293 ~~(a) the physician may, in his or her discretion:~~

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

296 ~~2. Provide the patient or the patient's legal~~  
 297 ~~representative with a copy of the written summary prepared in~~  
 298 ~~accordance with s. 1004.435(4) (m) and express a willingness to~~  
 299 ~~discuss the summary with the patient or the patient's legal~~  
 300 ~~representative; or~~

301 ~~3. Both communicate such information directly and provide a~~  
 302 ~~copy of the written summary to the patient or the patient's~~  
 303 ~~legal representative for further consideration and possible~~  
 304 ~~later discussion.~~

305 (b) In providing such information, the physician shall  
 306 consider ~~take into consideration~~ the emotional and physical  
 307 state of the patient, ~~the physical state of the patient,~~ and the  
 308 patient's ability to understand the information.

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

312

313 ~~Nothing in~~ This subsection does not shall reduce other  
 314 provisions of law regarding informed consent.

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

317 459.0125 Breast cancer; information on treatment  
 318 alternatives.—

319 (1) DEFINITION.—As used in this section, the term

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320 "medically viable," as applied to treatment alternatives, means  
321 modes of treatment generally considered by the medical  
322 profession to be within the scope of current, acceptable  
323 standards, ~~including treatment alternatives described in the~~  
324 ~~written summary prepared by the Florida Cancer Control and~~  
325 ~~Research Advisory Council in accordance with s. 1004.435(4)(m).~~

326 (2) COMMUNICATION OF TREATMENT ALTERNATIVES.—

327 (a) It is the obligation of every physician treating a  
328 patient who is, or in the judgment of the physician is at high  
329 risk of being, diagnosed as having breast cancer to inform such  
330 patient of the medically viable treatment alternatives available  
331 to such patient; to describe such treatment alternatives; and to  
332 explain the relative advantages, disadvantages, and risks  
333 associated with the treatment alternatives to the extent deemed  
334 necessary to allow the patient to make a prudent decision  
335 regarding such treatment options. In compliance with this  
336 subsection, +

337 ~~(a) the physician may, in her or his discretion:~~

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

340 ~~2. Provide the patient or the patient's legal~~  
341 ~~representative with a copy of the written summary prepared in~~  
342 ~~accordance with s. 1004.435(4)(m) and express her or his~~  
343 ~~willingness to discuss the summary with the patient or the~~  
344 ~~patient's legal representative; or~~

345 ~~3. Both communicate such information directly and provide a~~  
346 ~~copy of the written summary to the patient or the patient's~~  
347 ~~legal representative for further consideration and possible~~  
348 ~~later discussion.~~

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349 (b) In providing such information, the physician shall  
350 consider ~~take into consideration~~ the emotional and physical  
351 state of the patient, ~~the physical state of the patient,~~ and the  
352 patient's ability to understand the information.

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

356

357 ~~Nothing in~~ This subsection does not shall reduce other  
358 provisions of law regarding informed consent.

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