

By the Committee on Appropriations; and Senators Sobel and
Abruzzo

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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 and selection of the
6 council chairperson; authorizing renewal of member
7 terms; revising compensation of council members;
8 renaming the Florida Cancer Plan; requiring the
9 council to collaborate with the Florida Biomedical
10 Research Advisory Council to formulate and review a
11 statewide research plan; requiring the council to
12 develop and review a statewide treatment plan;
13 deleting council, Board of Governors, and State
14 Surgeon General duties relating to the awarding of
15 grants and contracts for cancer-related programs;
16 deleting council duties relating to the development of
17 written summaries of treatment alternatives; deleting
18 financial aid provisions and the Florida Cancer
19 Control and Research Fund; amending ss. 458.324 and
20 459.0125, F.S.; conforming provisions; providing an
21 effective date.

22
23 Be It Enacted by the Legislature of the State of Florida:

24
25 Section 1. Paragraphs (d) and (e) of subsection (3) and
26 subsections (4), (5), and (6) of section 1004.435, Florida
27 Statutes, are amended to read:

28 1004.435 Cancer control and research.—

29 (3) DEFINITIONS.—The following words and phrases when used

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30 in this section have, unless the context clearly indicates
31 otherwise, the meanings given to them in this subsection:

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

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

37 (4) FLORIDA CANCER CONTROL AND RESEARCH ADVISORY COUNCIL;
38 CREATION; COMPOSITION.—

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

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59 ~~Administration;~~ one member must be a representative of the
60 Florida Nurses Association who specializes in the field of
61 oncology and is not from an institution or organization already
62 represented on the council; one member must be a representative
63 of the Florida Osteopathic Medical Association who specializes
64 in the field of oncology; ~~one member must be a representative of~~
65 ~~the American College of Surgeons;~~ ~~one member must be a~~
66 ~~representative of the School of Medicine of the University of~~
67 ~~Miami;~~ ~~one member must be a representative of the College of~~
68 ~~Medicine of the University of Florida;~~ ~~one member must be a~~
69 ~~representative of NOVA Southeastern College of Osteopathic~~
70 ~~Medicine;~~ ~~one member must be a representative of the College of~~
71 ~~Medicine of the University of South Florida;~~ ~~one member must be~~
72 ~~a representative of the College of Public Health of the~~
73 ~~University of South Florida;~~ ~~one member must be a representative~~
74 ~~of the Florida Society of Clinical Oncology;~~ ~~one member must be~~
75 ~~a representative of the Florida Obstetric and Gynecologic~~
76 ~~Society who has had training in the specialty of gynecologic~~
77 ~~oncology;~~ ~~one member must be a representative of the Florida~~
78 ~~Ovarian Cancer Alliance Speaks (FOCAS) organization;~~ one member
79 must be a member representative of the Florida Medical
80 Association who specializes in the field of oncology and who
81 represents a cancer center not already represented on the
82 council; ~~one member must be a member of the Florida Pediatric~~
83 ~~Society;~~ ~~one member must be a representative of the Florida~~
84 ~~Radiological Society;~~ ~~one member must be a representative of the~~
85 ~~Florida Society of Pathologists;~~ one member must be a
86 representative of the H. Lee Moffitt Cancer Center and Research
87 Institute, Inc.; one member must be a member of the Florida

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88 Hospital Association who specializes in the field of oncology
89 and who represents a comprehensive cancer center not already
90 represented on the council; one member must be a representative
91 of the Association of Community Cancer Centers; one member must
92 specialize in pediatric oncology research or clinical care
93 appointed by the Governor; one member must specialize in
94 oncology clinical care or research appointed by the President of
95 the Senate; one member must be a current or former cancer
96 patient or a current or former caregiver to a cancer patient
97 appointed by the Speaker of the House of Representatives ~~three~~
98 ~~members must be representatives of the general public acting as~~
99 ~~consumer advocates; one member must be a member of the House of~~
100 ~~Representatives appointed by the Speaker of the House of~~
101 ~~Representatives; and one member must be a member of the Senate~~
102 ~~appointed by the President of the Senate; one member must be a~~
103 ~~representative of the Florida Dental Association; one member~~
104 ~~must be a representative of the Florida Hospital Association;~~
105 ~~one member must be a representative of the Association of~~
106 ~~Community Cancer Centers; one member shall be a representative~~
107 ~~from a statutory teaching hospital affiliated with a community-~~
108 ~~based cancer center; one member must be a representative of the~~
109 ~~Florida Association of Pediatric Tumor Programs, Inc.; one~~
110 ~~member must be a representative of the Cancer Information~~
111 ~~Service; one member must be a representative of the Florida~~
112 ~~Agricultural and Mechanical University Institute of Public~~
113 ~~Health; and one member must be a representative of the Florida~~
114 ~~Society of Oncology Social Workers. Of the members of the~~
115 ~~council appointed by the Governor, At least four of the members~~
116 ~~10~~ must be individuals who are minority persons as defined by s.

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117 288.703.

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

120 (c) A chairperson shall be selected by the council
121 ~~appointed by the Governor~~ for a term of 2 years. The chairperson
122 shall appoint an executive committee of no fewer than three
123 persons to serve at the pleasure of the chairperson. This
124 committee will prepare material for the council but make no
125 final decisions.

126 (d) The council shall meet no less than semiannually at the
127 call of the chairperson or, in his or her absence or incapacity,
128 at the call of the State Surgeon General. Eight ~~Sixteen~~ members
129 constitute a quorum for the purpose of exercising all of the
130 powers of the council. A vote of the majority of the members
131 present is sufficient for all actions of the council.

132 (e) The council members shall serve without pay. Pursuant
133 to the provisions of s. 112.061, the council members may be
134 entitled to be reimbursed for ~~per diem and~~ travel expenses by
135 the institution or organization the member represents. If a
136 member is not affiliated with an institution or organization,
137 the member shall be reimbursed for travel expenses by the H. Lee
138 Moffitt Cancer Center and Research Institute, Inc.

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

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

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

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

157 (i)~~(j)~~ The council shall collaborate with the Florida
158 Biomedical Research Advisory Council to formulate and annually
159 review and recommend to the State Surgeon General a statewide
160 research plan. Additionally, the council shall develop and
161 annually review a statewide "Florida Cancer Treatment Plan" plan
162 for the care and treatment of persons suffering from cancer. The
163 council shall ~~and~~ recommend the establishment of standard
164 requirements for the organization, equipment, and conduct of
165 cancer units or departments in hospitals and clinics in this
166 state. The council may recommend to the State Surgeon General
167 the designation of cancer units following a survey of the needs
168 and facilities for treatment of cancer in the various localities
169 throughout the state. The State Surgeon General shall consider
170 the plans ~~plan~~ in developing departmental priorities and funding
171 priorities and standards under chapter 395.

172 (j)~~(k)~~ The council is responsible for including in the
173 Florida Cancer Control and Research Plan recommendations for the
174 coordination and integration of medical, nursing, paramedical,

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175 lay, and other plans concerned with cancer control and research.
176 Committees shall be formed by the council so that the following
177 areas will be established as entities for actions:

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

181 2. Cancer prevention.

182 3. Cancer detection.

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

185 5. Cancer education: lay and professional.

186 6. Unproven methods of cancer therapy: quackery and
187 unorthodox therapies.

188 7. Investigator-initiated project research.

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

196 ~~(m) If funds are specifically appropriated by the
197 Legislature, the council shall develop or purchase standardized
198 written summaries, written in layperson's terms and in language
199 easily understood by the average adult patient, informing actual
200 and high-risk breast cancer patients, prostate cancer patients,
201 and men who are considering prostate cancer screening of the
202 medically viable treatment alternatives available to them in the
203 effective management of breast cancer and prostate cancer;~~

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204 ~~describing such treatment alternatives; and explaining the~~
205 ~~relative advantages, disadvantages, and risks associated~~
206 ~~therewith. The breast cancer summary, upon its completion, shall~~
207 ~~be printed in the form of a pamphlet or booklet and made~~
208 ~~continuously available to physicians and surgeons in this state~~
209 ~~for their use in accordance with s. 458.324 and to osteopathic~~
210 ~~physicians in this state for their use in accordance with s.~~
211 ~~459.0125. The council shall periodically update both summaries~~
212 ~~to reflect current standards of medical practice in the~~
213 ~~treatment of breast cancer and prostate cancer. The council~~
214 ~~shall develop and implement educational programs, including~~
215 ~~distribution of the summaries developed or purchased under this~~
216 ~~paragraph, to inform citizen groups, associations, and voluntary~~
217 ~~organizations about early detection and treatment of breast~~
218 ~~cancer and prostate cancer.~~

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

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

227 (m) ~~(p)~~ The council shall formulate and put into effect a
228 continuing educational program for the prevention of cancer and
229 its early diagnosis and disseminate to hospitals, cancer
230 patients, and the public information concerning the proper
231 treatment of cancer.

232 (n) ~~(q)~~ The council shall be physically located at the H.

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233 Lee Moffitt Cancer Center and Research Institute, Inc., at the
234 University of South Florida.

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

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

243 (5) RESPONSIBILITIES OF ~~THE BOARD OF GOVERNORS,~~ THE H. LEE
244 MOFFITT CANCER CENTER AND RESEARCH INSTITUTE, INC., ~~AND THE~~
245 ~~STATE SURGEON GENERAL.~~

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

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

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

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262 state.

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

264 ~~(a) There is created the Florida Cancer Control and~~
265 ~~Research Fund consisting of funds appropriated therefor from the~~
266 ~~General Revenue Fund and any gifts, grants, or funds received~~
267 ~~from other sources.~~

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

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

278 458.324 Breast cancer; information on treatment
279 alternatives.—

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

287 (2) COMMUNICATION OF TREATMENT ALTERNATIVES.—

288 (a) Each physician treating a patient who is, or in the
289 judgment of the physician is at high risk of being, diagnosed as
290 having breast cancer shall inform such patient of the medically

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291 viable treatment alternatives available to such patient; shall
292 describe such treatment alternatives; and shall explain the
293 relative advantages, disadvantages, and risks associated with
294 the treatment alternatives to the extent deemed necessary to
295 allow the patient to make a prudent decision regarding such
296 treatment options. In compliance with this subsection, +

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

298 ~~1.~~ orally communicate such information directly to the
299 patient or the patient's legal representative; +

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

305 ~~3. Both communicate such information directly and provide a~~
306 ~~copy of the written summary to the patient or the patient's~~
307 ~~legal representative for further consideration and possible~~
308 ~~later discussion.~~

309 (b) In providing such information, the physician shall take
310 into consideration the emotional state of the patient, the
311 physical state of the patient, and the patient's ability to
312 understand the information.

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

316

317 Nothing in this subsection shall reduce other provisions of law
318 regarding informed consent.

319 Section 3. Subsections (1) and (2) of section 459.0125,

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320 Florida Statutes, are amended to read:

321 459.0125 Breast cancer; information on treatment
322 alternatives.—

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

330 (2) COMMUNICATION OF TREATMENT ALTERNATIVES.—

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

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

342 ~~1.~~ orally communicate such information directly to the
343 patient or the patient’s legal representative~~;~~

344 ~~2. Provide the patient or the patient’s legal~~
345 ~~representative with a copy of the written summary prepared in~~
346 ~~accordance with s. 1004.435(4)(m) and express her or his~~
347 ~~willingness to discuss the summary with the patient or the~~
348 ~~patient’s legal representative; or~~

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349 ~~3. Both communicate such information directly and provide a~~
350 ~~copy of the written summary to the patient or the patient's~~
351 ~~legal representative for further consideration and possible~~
352 ~~later discussion.~~

353 (b) In providing such information, the physician shall take
354 into consideration the emotional state of the patient, the
355 physical state of the patient, and the patient's ability to
356 understand the information.

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

360

361 Nothing in this subsection shall reduce other provisions of law
362 regarding informed consent.

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