

## **HB 5311 — Department of Health**

by Health Care Appropriations and Rep. Grimsley

The bill provides statutory changes to conform to the Fiscal Year 2010-2011 General Appropriations Act. Specifically, the bill:

- Revises provisions for administration and use of funds in the Administrative Trust Fund and the Emergency Medical Services Trust Fund within the Department of Health (DOH), providing that funds collected from disposition of certain motor vehicle infractions shall be deposited into the Emergency Medical Services Trust Fund and removing provisions for the deposit of such funds into the Administrative Trust Fund.
- Corrects references to the title of the Brain and Spinal Cord Injury Program Trust Fund.
- Deletes obsolete language related to provisional trauma centers.
- Reenacts the James and Esther King Biomedical Research Program and allows for an appropriation of \$20 million from funds deposited into the Health Care Trust Fund from tobacco surcharge revenues.
- Reenacts the William G. "Bill" Bankhead, Jr., and David Coley Cancer Research Program and allows for an appropriation of \$20 million from funds deposited into the Health Care Trust Fund from tobacco surcharge revenues.
- Provides an appropriation of \$10 million for the H. Lee Moffitt Cancer Center from funds deposited into the Health Care Trust Fund from tobacco surcharge revenues, to be administered in accordance with s. 1004.43, Florida Statutes.
- Provides an additional appropriation of \$250,000 for the Florida Center for Universal Research to Eradicate Disease bringing the total annual appropriation to \$500,000.
- Provides direction to the DOH related to organizational changes, requires a comprehensive DOH evaluation and justification review, and establishes the following program limitations:
  - Requires the DOH to submit a comprehensive evaluation and justification review of each division established under s. 20.43, Florida Statutes. The report is to include a rationale for each division, the return on investment for each division, and federal funding associated with each division, and any alternative course of action based on outcomes from the report. The report is to be submitted to the Governor, the Legislature, and the State Surgeon General by March 1, 2011.
  - Removes the authority for the DOH division directors to appoint ad hoc advisory committees.
  - Prohibits the DOH from creating new programs without the express consent of the Legislative Budget Commission or the Legislature.

- Requires the DOH to notify the Governor and the Legislature in writing before applying for any continuation of or new federal or private grants for an amount of \$50,000 or greater.
  - Identifies the role of the DOH in an emergency by listing its specific duties and responsibilities.
  - Clarifies the DOH's environmental health responsibilities over group care facilities. Redefines the term "group care facility". Provides for any rule developed by the Department of Education in relation to public or private schools be developed in consultation with the DOH.
  - Specifies the duties related to food service inspections administered by the DOH. Redefines the term "food service establishment".
  - Repeals the Children's Early Investment Program which has not been operational for many years. (ss. 411.23, 411.231, and 411.232, Florida Statutes).
  - Exempts medical device manufacturers that are registered by the Federal Food and Drug Administration from regulation by the DOH to eliminate duplicative regulation.
  - Provides a definition for a "medical convenience kit" and exempts the wholesale distribution of medical convenience kits that contain prescription drugs from the pedigree paper requirements in certain circumstances.
  - Requires the DOH to develop a plan to treat contagious Tuberculosis in private and non-state public hospitals, including a transition plan for closing A.G. Holley State Hospital and transferring patients to private and non-state hospitals over a 90 day period. The DOH must submit the plan to the Governor and Legislature by November 1, 2010.
  - Transfers the administration of chapter 499, Florida Statutes, relating to the regulation of drugs, devices, cosmetics, and household products, from the DOH to the Department of Business and Professional Regulation on October 1, 2011.
- Modifies the section of law that establishes responsibility for physician workforce development; creates a Physician Workforce Advisory Council.
  - Authorizes the Board of Medicine and Board of Osteopathic Medicine to issue a temporary certificate in areas of critical need under certain circumstances.
  - Allows any city, county, or other entity designated in a state emergency management plan under s. 252.35 (2) (a), Florida Statutes, during a public health emergency, to deposit funds into the DOH Grants and Donations Trust Fund for the department to purchase necessary licensable products made available under the United States Department of Health and Human Services contract on behalf of any city, county or public entity in Florida.
  - Allows the DOH to submit budget amendments requesting additional Grants and Donations Trust Fund budget authority for the Florida Center for Nursing to make expenditures supported by grants and donations.

If approved by the Governor, these provisions take effect July 1, 2010.

*Vote: Senate 37-0; House 104-15*