

The Florida Senate
PROFESSIONAL STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: Governmental Operations Committee

BILL: CS/CS/SB 2260

INTRODUCER: Governmental Operations Committee, Health Policy Committee and Senator Peaden

SUBJECT: Department of Health

DATE: April 18, 2007 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Munroe	Wilson	HP	Fav/CS
2.	Rhea	Wilson	GO	Fav/CS
3.			HA	
4.				
5.				
6.				

I. Summary:

The bill designates the State Surgeon General as the head of the Department of Health. The bill deletes references to the Secretary of Health, replacing them with the title “State Surgeon General.” The State Surgeon General must serve as the leading voice on wellness and disease-prevention efforts, including the promotion of healthful lifestyles, immunization practices, health literacy, and the assessment and promotion of the physician and health care workforce in order to meet the health care needs of the state. The State Surgeon General must focus on advocating healthful lifestyles, developing public health policy, and building collaborative partnerships with schools, businesses, health care practitioners, community-based organizations, and public and private institutions in order to promote health literacy and optimum quality of life for all Floridians.

The bill clarifies that a reference to Surgeon General in s. 381.0605, F.S., refers to the United States Surgeon General.

This bill amends sections 20.43 and 381.0605, Florida Statutes.

II. Present Situation:

Organizational Structure of the Executive Branch of Government/Department of Health

Article IV, s. 6 of the State Constitution provides that

. . . the administration of each department, unless otherwise provided in this constitution, shall be placed by law under the direct supervision of the governor, the lieutenant

governor, the governor and cabinet, a cabinet member, or an officer or board appointed by and serving at the pleasure of the governor, except:

- (a) When provided by law, confirmation by the senate or approval of three members of the cabinet shall be required for appointment to or removal from any designated statutory office.
- (b) Boards authorized to grant and revoke licenses to engage in regulated occupations shall be assigned to appropriate departments and their members appointed for fixed terms, subject to removal only for cause.

Chapter 20, F.S., provides for the organizational structure of the executive branch of state government. The department is the principal administrative unit of the executive branch.¹ A secretary is an individual who is appointed by the Governor to head a department and who is not otherwise named in the constitution.² The appointment of a secretary appointed by the Governor to serve as the head of a department must be confirmed by the Senate.³

Section 20.43, F.S., outlines the organization of the Florida Department of Health. The head of the Department of Health is the Secretary of Health and State Health Officer. The Secretary must be a Florida-licensed allopathic or osteopathic physician who has advanced training or extensive experience in public health administration. The Secretary of Health is appointed by the Governor subject to confirmation by the Senate. The Secretary of Health serves at the pleasure of the Governor. The Secretary of Health may appoint ad hoc advisory committees. The Department of Health must plan and administer its public health programs through its county health departments.

The State Health Officer is responsible for declaring public health emergencies and issuing public health advisories;⁴ has a pivotal role in the development of policy affecting the provision of primary care in the Department of Health's programs;⁵ ensuring the conduct of studies concerning the epidemiology of diseases of public health significance, such as acquired immune deficiency syndrome and other diseases in Florida;⁶ protecting the public from food that is unwholesome or otherwise unfit for human consumption;⁷ directing and supervising the Florida Health Services Corps;⁸ and implementing various other statutorily-mandated duties.

III. Effect of Proposed Changes:

The bill designates the State Surgeon General as the head of the Department of Health. The bill deletes references to the Secretary of Health, replacing them with the title "State Surgeon General." The State Surgeon General must serve as the leading voice on wellness and disease-prevention efforts, including the promotion of healthful lifestyles, immunization practices, health literacy, and the assessment and promotion of the physician and health care

¹ See s. 20.04(1), F.S.

² See s. 20.03(5), F.S.

³ See s. 20.05(2), F.S.

⁴ See s. 381.00315, F.S.

⁵ See s. 154.011, F.S.

⁶ See s. 381.0032, F.S.

⁷ See s. 381.0072, F.S.

⁸ See s. 381.0302, F.S.

workforce in order to meet the health care needs of the state. The State Surgeon General must focus on advocating healthful lifestyles, developing public health policy, and building collaborative partnerships with schools, businesses, health care practitioners, community-based organizations, and public and private institutions in order to promote health literacy and optimum quality of life for all Floridians.

The bill clarifies that a reference to Surgeon General in s. 381.0605, F.S., refers to the United States Surgeon General.

The Division of Statutory Revision of the Office of Legislative Services is directed to change references to “Secretary of Health” or “Secretary of the Department of Health” to State Surgeon General” and change “secretary” with respect to the Department of Health to “State Surgeon General” in the Florida Statutes.

The bill provides an effective date of July 1, 2007.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The provisions of this bill have no impact on municipalities and the counties under the requirements of Article VII, Section 18 of the Florida Constitution.

B. Public Records/Open Meetings Issues:

The provisions of this bill have no impact on public records or open meetings issues under the requirements of Article I, Section 24 (a) (b) of the Florida Constitution.

C. Trust Funds Restrictions:

The provisions of this bill have no impact on the trust fund restrictions under the requirements of Article III, Subsection 19(f) of the Florida Constitution.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

This Senate Professional Staff Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

VIII. Summary of Amendments:

None.

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