

April 30, 2010

The Conference Committee Amendment for HB 5311, relating to the Department of Health:

- 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.
- 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 in section 1004.43, Florida Statutes.
- Provides an additional appropriation of \$250,000 for the Florida Center for Universal Research to Eradicate Disease such that its total annual appropriation is \$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:
 - 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 before applying for any continuation 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 responsibilities.
 - Decreases the DOH's environmental health food service responsibilities over facilities that are licensed and inspected by other agencies.
 - Specifies the types of entities having food service inspections administered by the DOH.
 - Repeals the Children's Early Investment Program which has not been operational for many years. (sections 411.23, 411.231, and 411.232, Florida Statutes).
 - Exempts medical device manufacturers that are registered by the Federal 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 nonstate public hospitals. The DOH must submit the plan to the Governor and Legislature by November 1, 2010.
 - Requires the DOH to submit a report to the Legislature by January 1, 2011, that includes a rationale for each of its divisions, the return on investment for each division, and federal funding associated with each division.
 - 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 section 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.
 - Unless expressly indicated within this section the bill has an effective date of July 1, 2010.