

HB 1073

2012

1                   A bill to be entitled  
2           An act relating to cancer control; amending s.  
3           1004.435, F.S.; revising legislative intent to delete  
4           provisions relating to research activities for cancer  
5           control; changing the name of the cancer control and  
6           research advisory council to the Florida Cancer  
7           Control and Resource Advisory Council; providing for  
8           the appointment and terms of council members and  
9           duties of the council; providing for a nominating  
10          committee to make recommendations for gubernatorial  
11          appointments to the council; providing for council  
12          membership categories; providing for an executive  
13          committee of the council and duties of the committee;  
14          authorizing consultants to the council; providing  
15          duties of the council for the development, review, and  
16          approval of the Florida Cancer Plan; deleting  
17          responsibilities of the council and the Board of  
18          Governors of the State University System relating to  
19          cancer research; authorizing the Department of Health  
20          to adopt rules for implementation of the section;  
21          providing department duties relating to the  
22          development and establishment of the Florida Cancer  
23          Plan; revising the name of the cancer control fund and  
24          deleting the use of funds for cancer research;  
25          amending ss. 458.324 and 459.0125, F.S.; conforming  
26          cross-references; providing an effective date.

27  
28   Be It Enacted by the Legislature of the State of Florida:

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Section 1. Section 1004.435, Florida Statutes, is amended to read:

1004.435 Cancer control and resource advisory council research.—

(1) SHORT TITLE.—This section shall be known and may be cited as the "Florida Cancer Control ~~and Research~~ Act."

(2) LEGISLATIVE INTENT.—It is the finding of the Legislature that:

(a) Advances in scientific knowledge have led to the development of preventive and therapeutic capabilities in the control of cancer. Such knowledge and therapy must be made available to all citizens of this state through educational and therapeutic programs.

~~(b) The present state of our knowledge concerning the prevalence, cause or associated factors, and treatment of cancer have resulted primarily from a vast federal investment into basic and clinical research, some of which is expended in this state. These research activities must continue, but programs must be established to extend this knowledge in preventive measures and patient treatment throughout the state.~~

~~(c) Research in cancer has implicated the environment as a causal factor for many types of cancer, i.e., sunshine, X rays, diet, smoking, etc., and programs are needed to further document such cause and effect relationships. Proven causes of cancer should be publicized and be the subject of educational programs for the prevention of cancer.~~

(b)-(d) An effective cancer control program would mobilize

57 | the scientific, educational, and medical resources that  
 58 | presently exist into an intense attack against cancer ~~this dread~~  
 59 | ~~disease~~.

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

63 | (a) "Cancer" means all malignant neoplasms, regardless of  
 64 | the tissue of origin, including lymphoma and leukemia.

65 | (b) "Council" means the Florida Cancer Control and  
 66 | Resource Research ~~Research~~ Advisory Council, which is an advisory body  
 67 | appointed to function on a continuing basis for the study of  
 68 | cancer and which recommends solutions and policy alternatives to  
 69 | ~~the Board of Governors and~~ the State Surgeon General and which  
 70 | is established by this section.

71 | (c) "Department" means the Department of Health.

72 | (d) "Fund" means the Florida Cancer Control ~~and Research~~  
 73 | Fund established by this section.

74 | (e) "Plan" means the Florida Cancer Plan.

75 | ~~(f)~~ (f) "Qualified nonprofit association" means any  
 76 | association, incorporated or unincorporated, that has received  
 77 | tax-exempt status from the Internal Revenue Service.

78 | (4) FLORIDA CANCER CONTROL AND RESOURCE ~~RESEARCH~~ ADVISORY  
 79 | COUNCIL; CREATION; COMPOSITION.—

80 | (a)1. There is created within the H. Lee Moffitt Cancer  
 81 | Center and Research Institute, Inc., the Florida Cancer Control  
 82 | and Resource Research ~~Research~~ Advisory Council. The council shall serve  
 83 | as a resource and clearinghouse for comprehensive cancer control  
 84 | in the state and shall facilitate effective communication,

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85 shared resources, and synergism between and among the cancer  
86 stakeholder organizations and groups within the state. The  
87 council shall consist of members representing the various cancer  
88 constituencies in the state. The council shall include three  
89 members representing the general public appointed by the  
90 Governor, one member appointed by the President of the Senate,  
91 one member appointed by the Speaker of the House of  
92 Representatives, one member appointed by the State Surgeon  
93 General, and 32 members representing cancer stakeholders in the  
94 state who are appointed by the Governor. Of the 32 members, at  
95 least 10 members must be individuals who are minority persons as  
96 defined in s. 288.703. Each council member must be a resident of  
97 the state, and all members are voting members of the council.

98 2. Of the three members representing the general public  
99 appointed by the Governor, one shall serve an initial term of 2  
100 years, one shall serve an initial term of 3 years, and one shall  
101 serve an initial term of 4 years, beginning July 1, 2012;  
102 thereafter, these gubernatorial appointments to the council  
103 shall be for 4-year terms. The remaining members appointed by  
104 the Governor and the members appointed by the President of the  
105 Senate, the Speaker of the House of Representatives, and the  
106 State Surgeon General shall serve 4-year terms. A chair and  
107 vice-chair shall each be elected by the council membership for  
108 2-year terms. ~~The council shall consist of 35 members, which~~  
109 ~~includes the chairperson, all of whom must be residents of this~~  
110 ~~state. All members, except those appointed by the Speaker of the~~  
111 ~~House of Representatives and the President of the Senate, must~~  
112 ~~be appointed by the Governor. At least one of the members~~

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113 ~~appointed by the Governor must be 60 years of age or older. One~~  
114 ~~member must be a representative of the American Cancer Society;~~  
115 ~~one member must be a representative of the Florida Tumor~~  
116 ~~Registrars Association; one member must be a representative of~~  
117 ~~the Sylvester Comprehensive Cancer Center of the University of~~  
118 ~~Miami; one member must be a representative of the Department of~~  
119 ~~Health; one member must be a representative of the University of~~  
120 ~~Florida Shands Cancer Center; one member must be a~~  
121 ~~representative of the Agency for Health Care Administration; one~~  
122 ~~member must be a representative of the Florida Nurses~~  
123 ~~Association; one member must be a representative of the Florida~~  
124 ~~Osteopathic Medical Association; one member must be a~~  
125 ~~representative of the American College of Surgeons; one member~~  
126 ~~must be a representative of the School of Medicine of the~~  
127 ~~University of Miami; one member must be a representative of the~~  
128 ~~College of Medicine of the University of Florida; one member~~  
129 ~~must be a representative of NOVA Southeastern College of~~  
130 ~~Osteopathic Medicine; one member must be a representative of the~~  
131 ~~College of Medicine of the University of South Florida; one~~  
132 ~~member must be a representative of the College of Public Health~~  
133 ~~of the University of South Florida; one member must be a~~  
134 ~~representative of the Florida Society of Clinical Oncology; one~~  
135 ~~member must be a representative of the Florida Obstetric and~~  
136 ~~Gynecologic Society who has had training in the specialty of~~  
137 ~~gynecologic oncology; one member must be a representative of the~~  
138 ~~Florida Ovarian Cancer Alliance Speaks (FOCAS) organization; one~~  
139 ~~member must be a representative of the Florida Medical~~  
140 ~~Association; one member must be a member of the Florida~~

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141 ~~Pediatric Society; one member must be a representative of the~~  
 142 ~~Florida Radiological Society; one member must be a~~  
 143 ~~representative of the Florida Society of Pathologists; one~~  
 144 ~~member must be a representative of the H. Lee Moffitt Cancer~~  
 145 ~~Center and Research Institute, Inc.; three members must be~~  
 146 ~~representatives of the general public acting as consumer~~  
 147 ~~advocates; one member must be a member of the House of~~  
 148 ~~Representatives appointed by the Speaker of the House of~~  
 149 ~~Representatives; one member must be a member of the Senate~~  
 150 ~~appointed by the President of the Senate; one member must be a~~  
 151 ~~representative of the Florida Dental Association; one member~~  
 152 ~~must be a representative of the Florida Hospital Association;~~  
 153 ~~one member must be a representative of the Association of~~  
 154 ~~Community Cancer Centers; one member shall be a representative~~  
 155 ~~from a statutory teaching hospital affiliated with a community-~~  
 156 ~~based cancer center; one member must be a representative of the~~  
 157 ~~Florida Association of Pediatric Tumor Programs, Inc.; one~~  
 158 ~~member must be a representative of the Cancer Information~~  
 159 ~~Service; one member must be a representative of the Florida~~  
 160 ~~Agricultural and Mechanical University Institute of Public~~  
 161 ~~Health; and one member must be a representative of the Florida~~  
 162 ~~Society of Oncology Social Workers. Of the members of the~~  
 163 ~~council appointed by the Governor, at least 10 must be~~  
 164 ~~individuals who are minority persons as defined by s. 288.703.~~

165 (b) A nominating committee shall review applicants for the  
 166 council on an annual basis and make recommendations for  
 167 gubernatorial appointments to the council. The nominating  
 168 committee shall be comprised of a minimum of seven council

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169 members selected by, and including, the vice chair. The  
170 nominating committee shall constitute a subgroup of the council  
171 membership in that at least one member shall represent each  
172 membership category identified in paragraph (c). The individuals  
173 selected by the nominating committee shall be forwarded for  
174 gubernatorial appointment and are eligible for reappointment one  
175 time.

176 (c) The 32 members appointed by the Governor who represent  
177 cancer stakeholders in the state shall be recommended by cancer  
178 stakeholder organizations or groups, by council nomination, or  
179 through self-referrals. The membership categories and the  
180 maximum number of members in each category include:

181 1. Five members from university-based health care delivery  
182 systems with major cancer programs, including the H. Lee Moffitt  
183 Cancer Center and Research Institute, Inc., the University of  
184 Florida Shands Cancer Center, and the University of Miami  
185 Sylvester Comprehensive Cancer Center.

186 2. Five members from community-based health care delivery  
187 systems or practices with American College of Surgeons  
188 accredited cancer programs.

189 3. Four members from nonprofit or voluntary organizations,  
190 including a representative from the American Cancer Society.

191 4. Three members from health and healthcare disparities  
192 research and outreach cancer programs.

193 5. Five members from state governmental agencies,  
194 including the Department of Health, the Department of Education,  
195 and the Biomedical Research Advisory Council.

196 6. Five members from cancer-related professional

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197 organizations, including the Florida Society of Clinical  
198 Oncology, the Florida Society of Oncology Social Workers, and  
199 the Florida Medical Association.

200 7. Five members each representing one of the state  
201 regional cancer collaboratives.

202 (d) An executive committee, which shall be responsible for  
203 coordinating the activities and planning the direction of the  
204 council, shall be comprised of the council's chair and vice  
205 chair, the appointee of the Speaker of the House of  
206 Representatives, the appointee of the President of the Senate,  
207 the appointee of the State Surgeon General, and four members  
208 selected by the chair. The positions on the executive committee  
209 shall be for terms of 2 years corresponding to the chair's term  
210 in office. Membership on the executive committee shall  
211 constitute a subgroup of the council membership in that at least  
212 one member shall represent each membership category identified  
213 in paragraph (c). Additional members may serve at the discretion  
214 of the chair.

215 (e) The council may invite additional state cancer  
216 stakeholder organizations or groups or individuals with  
217 expertise, experience, or resources to serve as consultants to  
218 assist the council in accomplishing its mission. Such services  
219 may include consultative participation in council activities,  
220 associated task forces, or projects. Consultants have no voting  
221 rights on the council.

222 ~~(b) The terms of the members shall be 4 years from their~~  
223 ~~respective dates of appointment.~~

224 ~~(c) A chairperson shall be appointed by the Governor for a~~

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225 ~~term of 2 years. The chairperson shall appoint an executive~~  
 226 ~~committee of no fewer than three persons to serve at the~~  
 227 ~~pleasure of the chairperson. This committee will prepare~~  
 228 ~~material for the council but make no final decisions.~~

229 (f)~~(d)~~ The council shall meet no less than semiannually at  
 230 the call of the chair ~~chairperson~~ or, in his or her absence or  
 231 incapacity, at the call of the State Surgeon General. Twenty  
 232 ~~Sixteen~~ members constitute a quorum for the purpose of  
 233 exercising all of the powers of the council. A vote of the  
 234 majority of the members present is sufficient for all actions of  
 235 the council.

236 (g)~~(e)~~ The council members shall serve without pay.  
 237 Pursuant to the provisions of s. 112.061, the council members  
 238 may be entitled to be reimbursed for per diem and travel  
 239 expenses.

240 (h)~~(f)~~ A ~~No~~ member of the council may not ~~shall~~  
 241 participate in any discussion or decision to recommend grants or  
 242 contracts to any qualified nonprofit association or to any  
 243 agency of this state or its political subdivisions with which  
 244 the member is associated as a member of the governing body or as  
 245 an employee or with which the member has entered into a  
 246 contractual arrangement.

247 (i)~~(g)~~ The council may prescribe, amend, and repeal bylaws  
 248 governing the manner in which the business of the council is  
 249 conducted.

250 (j)~~(h)~~ The council shall advise ~~the Board of Governors,~~  
 251 the State Surgeon General, the Governor, and the Legislature  
 252 with respect to cancer control and resources ~~research~~ in this

253 state.

254 (k)-(i) The council shall approve ~~each year~~ a program for  
 255 cancer control ~~and research~~ to be known as the "Florida Cancer  
 256 Plan" which shall be consistent with the State Health Plan and  
 257 integrated and coordinated with existing or emerging programs in  
 258 this state. The council shall review and approve the plan at  
 259 least every 4 years.

260 (l)-(j) The council shall formulate and recommend to the  
 261 State Surgeon General, the Governor, the President of the  
 262 Senate, and the Speaker of the House of Representatives a plan  
 263 for the prevention and early detection of cancer which is  
 264 evidence-based and consistent with standards of practice and  
 265 supported by evidence-based medicine ~~care and treatment of~~  
 266 ~~persons suffering from cancer and recommend the establishment of~~  
 267 ~~standard requirements for the organization, equipment, and~~  
 268 ~~conduct of cancer units or departments in hospitals and clinics~~  
 269 ~~in this state. The council may recommend to the State Surgeon~~  
 270 ~~General the designation of cancer units following a survey of~~  
 271 ~~the needs and facilities for treatment of cancer in the various~~  
 272 ~~localities throughout the state. The State Surgeon General shall~~  
 273 consider the plan in developing departmental priorities and  
 274 funding priorities and standards under chapter 395.

275 (m)-(k) The council shall provide expertise and input in  
 276 the content and development of ~~is responsible for including in~~  
 277 the Florida Cancer Plan, which is otherwise generated through  
 278 the Department of Health. Recommendations shall include ~~for~~ the  
 279 coordination and integration of ~~medical, nursing, paramedical,~~  
 280 ~~lay, and other~~ state efforts ~~plans~~ concerned with cancer control

281 ~~and research.~~ Committees may ~~shall~~ be formed to develop  
 282 strategies for taking action regarding ~~by the council so that~~  
 283 ~~the following areas will be established as entities for actions:~~

284 1. Cancer plan evaluation, including the creation of a  
 285 tumor registry, data retrieval systems, and epidemiology of  
 286 cancer in the state ~~and its relation to other areas.~~

287 2. Cancer prevention.

288 3. Cancer detection.

289 4. Cancer treatments ~~patient management: treatment,~~  
 290 ~~rehabilitation, terminal care, and other patient-oriented~~  
 291 ~~activities.~~

292 5. Support services for cancer patients and caregivers  
 293 ~~education: lay and professional.~~

294 6. ~~Unproven methods of~~ Cancer education for laypersons and  
 295 professionals ~~therapy: quackery and unorthodox therapies.~~

296 7. Other cancer-control-related topics ~~Investigator-~~  
 297 ~~initiated project research.~~

298 (n) ~~(1)~~ In order to implement in whole or in part the  
 299 Florida Cancer Plan, the council may ~~shall~~ recommend to ~~the~~  
 300 ~~Board of Governors or~~ the State Surgeon General the awarding of  
 301 grants and contracts to qualified profit or nonprofit  
 302 associations or governmental agencies in order to plan,  
 303 establish, or conduct programs in cancer control or prevention  
 304 and ~~and~~ cancer education or ~~and~~ training, ~~and cancer research.~~

305 (o) The council shall have input into the prioritization  
 306 and implementation of statewide programs and the allocation of  
 307 resources in the department's comprehensive cancer control  
 308 program, consistent with the Florida Cancer Plan.

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309        (p) ~~(m)~~ If funds are specifically appropriated by the  
310 Legislature, the council shall develop or purchase standardized  
311 written summaries, written in layperson's terms and in language  
312 easily understood by the average adult patient, informing  
313 citizens and professionals on cancer prevention, detection,  
314 treatment, and survivorship ~~actual and high-risk breast cancer~~  
315 ~~patients, prostate cancer patients, and men who are considering~~  
316 ~~prostate cancer screening of the medically viable treatment~~  
317 ~~alternatives available to them in the effective management of~~  
318 ~~breast cancer and prostate cancer; describing such treatment~~  
319 ~~alternatives; and explaining the relative advantages,~~  
320 ~~disadvantages, and risks associated therewith. The breast cancer~~  
321 ~~summary, upon its completion, shall be printed in the form of a~~  
322 ~~pamphlet or booklet and made continuously available to~~  
323 ~~physicians and surgeons in this state for their use in~~  
324 ~~accordance with s. 458.324 and to osteopathic physicians in this~~  
325 ~~state for their use in accordance with s. 459.0125. The council~~  
326 ~~shall periodically update both summaries to reflect current~~  
327 ~~standards of medical practice in the treatment of breast cancer~~  
328 ~~and prostate cancer. The council shall develop and implement~~  
329 educational programs and position statements, including  
330 distribution of the summaries developed or purchased under this  
331 paragraph, to inform citizen groups, associations, government  
332 officials, and voluntary organizations about cancer-related  
333 matters ~~early detection and treatment of breast cancer and~~  
334 ~~prostate cancer.~~

335        (q) ~~(n)~~ The council may recommend to ~~shall have the~~  
336 ~~responsibility to advise the Board of Governors and the State~~

337 Surgeon General, the Governor, the President of the Senate, and  
 338 the Speaker of the House of Representatives ~~on~~ methods of  
 339 enforcing and implementing laws already enacted and concerned  
 340 with cancer control, ~~research,~~ and education.

341 (r) ~~(e)~~ The council may recommend to ~~the Board of Governors~~  
 342 ~~or~~ the State Surgeon General rules not inconsistent with law as  
 343 it may deem necessary for the performance of its duties and the  
 344 proper administration of this section.

345 (s) ~~(p)~~ The council shall formulate and put into effect a  
 346 continuing educational program for the prevention of cancer and  
 347 its early diagnosis and disseminate to hospitals, cancer  
 348 patients, and the public information concerning the proper  
 349 treatment of cancer.

350 (t) ~~(q)~~ The council shall be physically located at the H.  
 351 Lee Moffitt Cancer Center and Research Institute, Inc., ~~at the~~  
 352 ~~University of South Florida.~~

353 (u) ~~(r)~~ By December 1 ~~On February 15~~ of each year, the  
 354 council shall report its findings and recommendations to the  
 355 State Surgeon General, the Governor, the President of the  
 356 Senate, and the Speaker of the House of Representatives ~~and to~~  
 357 ~~the Legislature.~~

358 (5) RESPONSIBILITIES OF ~~THE BOARD OF GOVERNORS,~~ THE H. LEE  
 359 MOFFITT CANCER CENTER AND RESEARCH INSTITUTE, INC., ~~AND THE~~  
 360 STATE SURGEON GENERAL, AND THE DEPARTMENT OF HEALTH.-

361 ~~The Board of Governors or~~ The State Surgeon General,  
 362 after consultation with the council, may ~~shall~~ award grants and  
 363 contracts to qualified nonprofit associations and governmental  
 364 agencies in order to plan, establish, or conduct programs in

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365 cancer control or ~~and~~ prevention and,~~7~~ cancer education or ~~and~~  
366 training, ~~and cancer research.~~

367 (b) The H. Lee Moffitt Cancer Center and Research  
368 Institute, Inc., shall provide a full-time executive director to  
369 coordinate, facilitate, and communicate the mission and  
370 responsibilities of the council. Additional administrative  
371 support, information, and other assistance shall be provided  
372 ~~such staff, information, and other assistance~~ as reasonably  
373 necessary for the completion of the responsibilities of the  
374 council.

375 (c) The Department of Health ~~Board of Governors or the~~  
376 ~~State Surgeon General~~, after consultation with the council, may  
377 adopt rules necessary for the implementation of this section.

378 (d) The Florida Cancer Plan is established within the  
379 Department of Health. The department must utilize the council in  
380 developing the plan, prioritizing goals, allocating resources,  
381 and approving the plan in its final form. ~~The State Surgeon~~  
382 ~~General, after consultation with the council, shall make rules~~  
383 ~~specifying to what extent and on what terms and conditions~~  
384 ~~cancer patients of the state may receive financial aid for the~~  
385 ~~diagnosis and treatment of cancer in any hospital or clinic~~  
386 ~~selected. The department may furnish to citizens of this state~~  
387 ~~who are afflicted with cancer financial aid to the extent of the~~  
388 ~~appropriation provided for that purpose in a manner which in its~~  
389 ~~opinion will afford the greatest benefit to those afflicted and~~  
390 ~~may make arrangements with hospitals, laboratories, or clinics~~  
391 ~~to afford proper care and treatment for cancer patients in this~~  
392 ~~state.~~

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

394 (a) There is created the Florida Cancer Control ~~and~~  
 395 ~~Research~~ Fund consisting of funds appropriated therefor from the  
 396 General Revenue Fund and any gifts, grants, or funds received  
 397 from other sources.

398 (b) The fund shall be used exclusively for grants and  
 399 contracts to qualified nonprofit associations or governmental  
 400 agencies for the purpose of cancer control or ~~and~~ prevention,  
 401 cancer education or ~~and~~ training, ~~cancer research~~, and all  
 402 expenses incurred in connection with the administration of this  
 403 section and the programs funded through the grants and contracts  
 404 authorized by ~~the State Board of Education or~~ the State Surgeon  
 405 General.

406 Section 2. Subsection (1) and paragraph (a) of subsection  
 407 (2) of section 458.324, Florida Statutes, are amended to read:

408 458.324 Breast cancer; information on treatment  
 409 alternatives.—

410 (1) DEFINITION.—As used in this section, the term  
 411 "medically viable," as applied to treatment alternatives, means  
 412 modes of treatment generally considered by the medical  
 413 profession to be within the scope of current, acceptable  
 414 standards, including treatment alternatives described in the  
 415 written summary prepared by the Florida Cancer Control and  
 416 Resource ~~Research~~ Advisory Council in accordance with s.  
 417 1004.435(4)(p) ~~1004.435(4)(m)~~.

418 (2) COMMUNICATION OF TREATMENT ALTERNATIVES.—Each  
 419 physician treating a patient who is, or in the judgment of the  
 420 physician is at high risk of being, diagnosed as having breast

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421 cancer shall inform such patient of the medically viable  
 422 treatment alternatives available to such patient; shall describe  
 423 such treatment alternatives; and shall explain the relative  
 424 advantages, disadvantages, and risks associated with the  
 425 treatment alternatives to the extent deemed necessary to allow  
 426 the patient to make a prudent decision regarding such treatment  
 427 options. In compliance with this subsection:

428 (a) The physician may, in his or her discretion:

429 1. Orally communicate such information directly to the  
 430 patient or the patient's legal representative;

431 2. Provide the patient or the patient's legal  
 432 representative with a copy of the written summary prepared in  
 433 accordance with s. 1004.435(4)(p) ~~1004.435(4)(m)~~ and express a  
 434 willingness to discuss the summary with the patient or the  
 435 patient's legal representative; or

436 3. Both communicate such information directly and provide  
 437 a copy of the written summary to the patient or the patient's  
 438 legal representative for further consideration and possible  
 439 later discussion.

440  
 441 Nothing in this subsection shall reduce other provisions of law  
 442 regarding informed consent.

443 Section 3. Subsection (1) and paragraph (a) of subsection  
 444 (2) of section 459.0125, Florida Statutes, are amended to read:

445 459.0125 Breast cancer; information on treatment  
 446 alternatives.—

447 (1) DEFINITION.—As used in this section, the term  
 448 "medically viable," as applied to treatment alternatives, means

449 modes of treatment generally considered by the medical  
 450 profession to be within the scope of current, acceptable  
 451 standards, including treatment alternatives described in the  
 452 written summary prepared by the Florida Cancer Control and  
 453 Resource Research ~~Research~~ Advisory Council in accordance with s.  
 454 1004.435(4)(p) ~~1004.435(4)(m)~~.

455 (2) COMMUNICATION OF TREATMENT ALTERNATIVES.—It is the  
 456 obligation of every physician treating a patient who is, or in  
 457 the judgment of the physician is at high risk of being,  
 458 diagnosed as having breast cancer to inform such patient of the  
 459 medically viable treatment alternatives available to such  
 460 patient; to describe such treatment alternatives; and to explain  
 461 the relative advantages, disadvantages, and risks associated  
 462 with the treatment alternatives to the extent deemed necessary  
 463 to allow the patient to make a prudent decision regarding such  
 464 treatment options. In compliance with this subsection:

465 (a) The physician may, in her or his discretion:

466 1. Orally communicate such information directly to the  
 467 patient or the patient's legal representative;

468 2. Provide the patient or the patient's legal  
 469 representative with a copy of the written summary prepared in  
 470 accordance with s. 1004.435(4)(p) ~~1004.435(4)(m)~~ and express her  
 471 or his willingness to discuss the summary with the patient or  
 472 the patient's legal representative; or

473 3. Both communicate such information directly and provide  
 474 a copy of the written summary to the patient or the patient's  
 475 legal representative for further consideration and possible  
 476 later discussion.

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478 Nothing in this subsection shall reduce other provisions of law  
479 regarding informed consent.

480

Section 4. This act shall take effect July 1, 2012.