

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

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

BILL: CS/SB 2002

SPONSOR: Appropriations Committee and Senator Peaden

SUBJECT: Health Care Initiatives

DATE: February 16, 2004 REVISED: 2/19/04 _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Peters</u>	<u>Coburn</u>	<u>AP</u>	<u>Favorable/CS</u>
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

- Authorizes the Department of Health to issue a chiropractic medicine faculty certificate without examination to an individual who meets specified requirements; authorizes a chiropractic medicine degree program at Florida State University; provides for an annual distribution of \$9 million to Florida State University, beginning July 1, 2004, for the School of Chiropractic Medicine.
- Amends the powers and duties of H. Lee Moffitt Cancer Center to authorize the not-for-profit corporation to create subsidiaries that are for-profit corporations; expands the purposes of the not-for-profit corporation and subsidiaries; provides for an exemption from participation in the property insurance trust fund; changes the appointing authority for certain members of the council of scientific advisers; and requires that certain appropriations be paid directly to the board of directors of the governing corporation.
- Renames the Florida Alzheimer's Center and Research Institute to the Johnnie B. Byrd, Sr., Alzheimer's Center and Research Institute; authorizes the not-for-profit corporation to create subsidiaries that are for-profit corporations; expands the purposes of the not-for-profit corporation and subsidiaries; provides for an exemption from participation in the property insurance trust fund; changes the appointing authority for certain members of the council of scientific advisers; requires that certain appropriations be paid directly to the board of directors of the governing corporation; provides for an annual distribution and appropriation of \$15 million within the Department of Elderly Affairs to support a contract with the Johnnie B. Byrd, Sr., Alzheimer's Center and Research Institute at the University of South Florida to conduct research beginning July 1, 2004.

- Creates the Florida Center for Universal Research to Eradicate Disease (CURED) within the Department of Health; specifies the purpose, duties, and reporting requirements; and establishes an advisory council for the center.
- Revises the Lawton Chiles Endowment Fund to include the use of funds to support and expand biomedical research for the cure of specified diseases.
- Expands the long-term goals of the James and Esther King Biomedical Research Program to include the cure of specified diseases; provides funding priority for research designed to prevent or cure diseases; and provides for an annual distribution and appropriation of \$6 million within the Department of Health, beginning July 1, 2004, and stipulates that \$250,000 of these funds shall be available annually for operating costs of the Florida Center for Universal Research to Eradicate Disease.
- Renames the Life Sciences Building at Florida State University as the “James E. ‘Jim’ King, Jr., Building” and authorizes markers to be erected for designation of the building.
- Creates the Florida Cancer Research Council, effective July 1, 2004; provides for the affairs; specifies mission, powers, and duties; and requires annual reports.
- Creates the Florida Public Health Foundation, Inc.; provides for the foundation’s duties, powers, mission, board of directors, and annual reports; and requires coordination of monthly health awareness campaigns.
- Establishes the Prostate Cancer Awareness Program within the Department of Health; authorizes the department and the Florida Public Health Foundation, Inc., to enter into contracts and seek grant money to implement the program; and creates an advisory committee.
- Creates the Cervical Cancer Elimination Task Force, effective July 1, 2004; provides duties and membership; provides for reporting requirements; and provides for the task force to be dissolved after submission of a final report on or before June 30, 2008.

This bill amends ss. 561.121, 1004.43, 1004.445, 215.5601, and 215.5602, F.S.

This bill creates ss. 460.4062 and 1004.383, F.S., and eight unnumbered sections of law.

II. Present Situation:

Chiropractic Education and Licensure

The Council on Chiropractic Education (CCE) is the agency recognized by the United States Department of Education for accreditation of programs offering the doctor of chiropractic degree. Under CCE guidelines, doctor of chiropractic programs must require each student awarded the doctor of chiropractic degree to have successfully completed not less than 4,200 instructional hours and to have earned not less than the final 25 percent of total credits required

for the doctor of chiropractic degree from the program conferring the degree.¹ The required curriculum for the doctor of chiropractic program must include the following: anatomy; biochemistry; physiology; microbiology; pathology; public health; physical, clinical and laboratory diagnosis; gynecology; obstetrics; pediatrics; geriatrics; dermatology; otolaryngology; diagnostic imaging procedures; psychology; nutrition/dietetics; biomechanics; orthopedics; neurology; first aid and emergency procedures; spinal analysis; principles and practice of chiropractic; clinical decision making; adjustive techniques; research methods and procedures; and practice ethics.

Minimum criteria for admission to study chiropractic have been established by the CCE but individual chiropractic programs may exceed the minimum requirements. All persons matriculating at a CCE-accredited program must furnish proof of having earned a minimum of 90 semester hour credits applicable to the baccalaureate degree at an accredited institution. Forty-eight semester hours of the required 90 semester hours must be in specified subjects including: English, psychology, social sciences or humanities, biological sciences, chemistry, and physics. There are 14 CCE-accredited doctor of chiropractic programs located in the United States.² One doctor of chiropractic program, the Palmer College of Chiropractic Florida is located in Port Orange, Florida, and has been matriculating students since 2001. The program has applied for accreditation from the CCE.

Chapter 460, Florida Statutes, provides for the regulation of the practice of chiropractic medicine within the Department of Health by the Board of Chiropractic Medicine. The Board of Chiropractic Medicine has authority to adopt rules to implement ch. 460, F.S., including the setting of application fees. The chapter defines the practice of chiropractic medicine to mean a noncombative principle and practice consisting of the science of the adjustment, manipulation, and treatment of the human body. The chapter authorizes chiropractic physicians to adjust, manipulate or treat the human body by manual, mechanical, electrical, or natural methods by using physical means or physiotherapy, by use of acupuncture, and by administration of foods, food concentrates, food extracts, and items for which a prescription is not required.

The chapter provides licensure requirements for the practice of chiropractic medicine, including a chiropractic degree from a chiropractic college that is accredited by or has status with the CCE or its predecessor agency. Any applicant who is a graduate of a chiropractic college that was initially accredited by the CCE in 1995, who graduated from such college within the 4 years immediately preceding such accreditation, and who is otherwise qualified, is eligible to sit for licensure in Florida. The chapter requires a bachelor's degree that is separate from the professional chiropractic degree for applicants who have matriculated in a professional chiropractic program after July 1, 2000. Any hours earned toward the bachelor's degree may not be counted toward the chiropractic degree. Licensure applicants must successfully complete parts I (basic sciences) and II (clinical sciences) of the National Board of Chiropractic Examiners certification examination within 10 years immediately preceding their application to practice in Florida. In addition, the applicants must sit for the Florida licensure examination which includes a practical examination. According to the Department of Health, there are 4,629 chiropractic physicians who hold an active license to practice in Florida.

¹ See the Council on Chiropractic Education (CCE), <<http://www.cce-usa.org>>.

² See the Council on Chiropractic Education (CCE), <<http://www.cce-usa.org>>.

Chapter 460, F.S., authorizes the issuance of a single type of license to a person wishing to practice as a chiropractic physician in Florida.³ A person wishing to practice as a chiropractic physician must meet all of the requirements for license by examination or for practice under a restricted license under s. 460.4061, F.S. The Board of Chiropractic Medicine may impose restrictions on a restricted licensee to: submit to periodic and random audits of the licensee's patient's treatment records and review of those records by the board; subsequently appear before the board; submit written reports to the Department of Health and board; and other restrictions but may not require a restricted licensee to practice under the direct supervision of a full licensee. No alternative licensing procedure exists for a person wishing to limit his or her chiropractic medicine practice to the scope of his or her responsibilities as a faculty of a doctor of chiropractic program.

Implementation Plan for a School of Chiropractic Education at Florida State University

In 1999, the Legislature directed the Florida Board of Regents (BOR) and the Postsecondary Education Planning Commission (PEPC) to conduct a study of the need for, and feasibility of, a school of chiropractic medicine at Florida State University. The study's findings were presented to the Governor, the President of the Senate and the Speaker of the House of Representatives on February 1, 2000. The study concluded that, if a new chiropractic college were established within the state university system or an independent postsecondary institution in Florida, it would be feasible to locate the chiropractic college at an institution that has:

- A wide array of health professions education programs in fields such as medicine, physician assisting, physical therapy, pharmacy, dentistry and/or nursing, and;
- A program in exercise/movement science.

Under proviso language in the 2000 General Appropriations Act, the Legislature provided funds to Florida State University (FSU) to develop an implementation plan for the establishment of a school of chiropractic education at FSU. FSU contracted with MGT of America, Inc. which conducted a study of issues related to chiropractic education as part of its contract with FSU, including the development of an implementation plan. The MGT report was released December 15, 2000. The report provides a proposed plan for a ten-term chiropractic educational program. The report describes proposed and specific plans to address minorities, seniors, and medically underserved populations; clinical training and partnership opportunities; and resources available and required for a school of chiropractic medicine at FSU.⁴

Update of the Program Mission and Goals of a School of Chiropractic Health Care at Florida State University

The Office of the Provost at FSU reports that the mission of the School of Chiropractic Health Care at FSU is to provide the highest quality of education and training of primary care chiropractic physicians for Florida; to conduct the highest caliber of research and scholarship in

³ See section 460.4165, F.S. The chapter also authorizes the issuance of a license to persons wishing to practice as a certified chiropractic physician's assistant to perform chiropractic services under the responsible supervision of a licensed chiropractic physician and when the Board of Chiropractic Medicine is satisfied that the public will be adequately protected by the arrangement proposed in the application.

⁴ For detailed information, see Implementation Plan for a School of Chiropractic Education at Florida State University <<http://www.mgtamer.com/Reports/FSUChiro/FR-1554-7.pdf>>.

chiropractic, complementary and related health sciences; and to provide exemplary clinical services to the state's diverse population. To accomplish the mission, the school will matriculate a diverse and highly qualified student body. The program educational goals are:

- To provide a comprehensive chiropractic education leading to a Doctor of Chiropractic (D.C.) degree;
- To provide joint degree opportunities to develop clinician scholars;
- To prepare students for chiropractic practice in the changing healthcare environment of the 21st century;
- To produce chiropractic physicians who are committed to practicing evidence based clinical education in a variety of health care settings;
- To provide a distributed community-based clinical education in a variety of health care settings; and
- To develop a center of excellence for research in chiropractic, complementary and related health sciences.

The proposed admission requirements for chiropractic students to the 5-year master's degree program include: a bachelor's degree or equivalent from an accredited school; minimum 3.0 grade point average; satisfactory Graduate Record Examination scores; participation in a structured interview; and demonstrated participation in community service or volunteerism. The requirements include specified pre-chiropractic courses in the basic sciences.

Excise Taxes on Alcoholic Beverages

Section s. 561.121, F.S., requires that all state funds collected pursuant to s. 563.05, F.S., related to the excise taxes on malt beverages, s. 563.06, F.S., related to excise taxes on wine and beverages, and s. 565.12, F.S., related to the excise tax on liquors and beverages are to be paid into the State Treasury and disbursed according to certain criteria.

Lee Moffitt Cancer Center and Research Institute

Section 1004.43, F.S., establishes the H. Lee Moffitt Cancer Center and Research Institute at the University of South Florida. A not-for-profit corporation governs the institute in accordance with an agreement with the State Board of Education for the use of facilities on the campus of the University of South Florida. The corporation is managed by a board of directors consisting of the President of the University of South Florida and the chair of the State Board of Education, or his or her designee, five representatives of the state university system, and between 10-14 additional directors who are not medical doctors or state employees. The institute is administered by a chief executive officer, who serves at the pleasure of the board of directors. Subject to approval of the State Board of Education, the not-for-profit corporation may create not-for-profit corporate subsidiaries. There are currently three not-for-profit subsidiaries: a hospital, a cancer screening center, and a foundation.

Alzheimer's Disease

Alzheimer's disease is a progressive, irreversible brain disorder with no known cause or cure. Symptoms of the disease include memory loss, confusion, impaired judgment, personality changes, disorientation, and loss of language skills. Always fatal, Alzheimer's disease is the most

common form of irreversible dementia. How rapidly it advances varies from person to person, but it eventually causes confusion, personality and behavior changes and impaired judgment. Communication becomes difficult as the affected person struggles to find words, finish thoughts or follow directions. Most people with Alzheimer's disease become unable to care for themselves.

There is no known treatment that will cure Alzheimer's disease. For those who are currently suffering with the disease, medications can only help control symptoms and/or slow the progression of the disease. Approximately 100,000 victims die and 360,000 new cases of Alzheimer's disease are diagnosed each year in the United States. It is estimated that by 2050, 14 million Americans will have this disease. In every nation where life expectancy has increased, so has the incidence of Alzheimer's disease. It is estimated that by 2020, 30 million people will be affected by this disorder worldwide and by 2050 the number could increase to 45 million.

Section 1004.445, F.S., establishes the Florida Alzheimer's Center and Research Institute at the University of South Florida. This section also requires a not-for-profit corporation to be organized solely for the purpose of governing and operating the Florida Alzheimer's Center and Research Institute.

Coordination of Biomedical Research

Biomedical research contributes ultimately to the health of a population, and biomedical discoveries and the resultant products or treatments contribute to the economy of the area where they are produced. For both health and economic reasons, governments have an interest in furthering the work of biomedical researchers and in helping researchers collaborate and share resources. A number of states have initiatives to coordinate cancer research. Some state governments, as well as private foundations and companies, are addressing the needs of researchers who are conducting stem cell research. Efforts in Florida relating to the coordination and development of medical research and disease prevention include:

Stem Cell Research

Stem cells are cells that have the ability to divide for infinite periods in culture. They give rise to specialized cells. Research involving stem cells shows the possibility of treating diseases and conditions such as Alzheimer's and Parkinson's diseases, spinal cord injury, stroke, burns, heart disease, and arthritis. The possibility that an organ could be grown from stem cells has implications for tremendous changes in organ transplants.

The Emerging Technology Commission

Under s. 1004.225, F.S., the "Florida Technology Development Act," the Emerging Technology Commission is a commission created within the Governor's Office for the purpose of guiding the establishment of centers of excellence within, and in collaboration with Florida's universities. This commission expires July 1, 2004.

Florida Senate Interim Project on State Funded Medical Research and Dollar Disbursement

An Interim Project conducted by the Florida Senate Appropriations Committee (Report # 2004-103) found, in part, that:

- the state university system attracted more than \$1.1 billion for sponsored research in FY 2001-02, much of which is related to medical research;
- there is no central entity that coordinates medical research in Florida; and
- the establishment of a process to centrally collect and share information on medical research within the state could eliminate duplication, provide for improved coordination of research efforts, and provide for the sharing of research results among interested parties.

Enterprise Florida, Inc.

Enterprise Florida, Inc., created under part VII of ch. 288, F.S., is a partnership between Florida's business and government leaders and is the principal economic development organization for the State of Florida. The organization's mission is to increase economic opportunities for all Floridians by supporting the creation of quality jobs, a well-trained workforce and globally competitive businesses. It pursues its mission in cooperation with its statewide network of economic development partners.

BioFlorida

BioFlorida's mission is to promote biotechnology and related science in Florida by creating a favorable business and legislative environment; to provide the platform for business, academia and government to work jointly to support and encourage development of existing companies in the state and to attract new business and organizations to Florida.

The Florida Medical Foundation

The Florida Medical Foundation is the Florida Medical Association's philanthropic organization for medical education, research, community service and physician support programs. The foundation emphasizes support for physicians at all stages of their professional careers. The foundation has a current project relating to doctor patient communications as a way of addressing the problem of low health literacy among patients.

Pharmaceutical Research and Manufacturers of America

The Pharmaceutical Research and Manufacturers of America (PhRMA) represents the country's leading research-based pharmaceutical and biotechnology companies, which are devoted to inventing medicines that improve the health and longevity of patients. The industry invested more than \$30 billion in 2001 in discovering and developing new medicines. PhRMA companies are involved in the search for new cures.

The James and Esther King Biomedical Research Program

The 1999 Legislature established the Lawton Chiles Endowment Fund (ch. 99-167, L.O.F.), through which the state will use funds received as a result of its settlement with the tobacco industry to enhance or support expansions in children's health care programs, child welfare programs, community-based health and human service initiatives, and biomedical research. Section 215.5602, F.S., establishes the James and Esther King Biomedical Research Program funded from earnings of the endowment fund and provides that funds appropriated to the program are to be devoted to competitive grants and fellowships in research relating to prevention, diagnosis, and treatment of tobacco-related illnesses, including cancer, cardiovascular disease, stroke and pulmonary disease. The Biomedical Research Advisory Council in the Department of Health assists the Secretary in establishing criteria and guidelines for the competitive grant programs. Grants and fellowships are awarded on the basis of scientific merit, as determined by an open, objective peer-review process. The council is required to submit a progress report to the Governor, Secretary of the Department of Health, President of the Senate, and Speaker of the House of Representatives by February 1 of each year.

The Florida Dialogue on Cancer

The Florida Dialogue on Cancer (FDOC) is a collaboration of Florida leaders of hospitals, research centers, universities, professional medical groups, community-based organizations, and private business groups, as well as government officials. FDOC is an initiative designed to expand the state's capacity to reduce the incidence and mortality rates of cancer. The goals of FDOC are to:

- Create a coalition that speaks with one voice on major statewide cancer issues for Florida;
- Enhance and promote Florida's capacity to conduct cancer research, professional education, clinical trials and treatment programs; and
- Identify and promote the replication of best practices in providing access to cancer prevention, education, screening, diagnosis, and treatment programs for all Floridians and to reduce the disparities that exist.

The Florida Division of the American Cancer Society sponsors FDOC, which is based on the work of the National Dialogue on Cancer. Florida is the first state to establish a dialogue on cancer.

The Cancer Control and Research Advisory Council

The Cancer Control and Research Advisory Council (often referred to as the C-CRAB) was created by the 1979 Legislature. The council is located at the H. Lee Moffitt Cancer Center and Research Institute, Inc. Under s. 1004.435, F.S., the Council's mandate includes:

- Advising the State Board of Education, the Secretary of Health and the Legislature, on cancer control and research issues;
- Developing the Florida Cancer Plan;
- Recommending to the Secretary of Health a plan for the care and treatment of cancer patients and making recommendations for the operation of cancer units in hospitals and clinics in Florida; and

- Allocating funds, if available, for research and demonstration projects that address the priorities of the Florida Cancer Plan.

The Florida Public Health Foundation, Inc.

The Florida Public Health Foundation, Inc., is a Florida non-profit corporation operating within the exemption established by 26 U.S.C.A., Internal Revenue Code, Section 501(c)(3). The purposes of the foundation are to engage in charitable programs dedicated to improving the health of Florida citizens and to conduct educational programs for those working and interested in public health.

Health Awareness Campaigns

The Department of Health conducts public information campaigns on diseases and other health risks to the extent that funding is available. The department implements a comprehensive, statewide tobacco control program that focuses on young people with the goal of preventing initial use of tobacco and reducing tobacco use. General information about diseases and health conditions is available on the department's web site (<http://www.doh.state.fl.us>).

Prostate Cancer

Cancer of the prostate, a common form of cancer, is a disease in which cancer (malignant) cells are found in the prostate. The prostate is a gland that forms part of the male reproductive system. Prostate cancer is the most common cancer, excluding skin cancers, in American men. The American Cancer Society estimates that, during 2003, approximately 220,900 new cases of prostate cancer will be diagnosed in the United States. The American Cancer Society estimates that 28,900 men in the United States will die of prostate cancer during 2003. Prostate cancer is the second leading cause of cancer death in men in the United States, exceeded only by lung cancer. The American Cancer Society estimates that there were 15,800 new cases of prostate cancer diagnosed in Florida in 2003, and 2,100 deaths in Florida directly attributable to prostate cancer, which is, by number, second to lung cancer deaths in cancer deaths to men.

Little is known about the causes of prostate cancer. Research indicates that risk factors include age (risk increases after age 50), a family history of prostate cancer, race (African American men are at up to 40 percent higher risk of developing prostate cancer than men of other races), and eating a high fat diet. Typically, prostate cancers take four years or more to double in size, compared, for example, to breast cancers, which can double in size in a matter of weeks. Adding to the difficulties associated with prostate cancer is that there is, at present, no definitive way to distinguish between those prostate cancers which will cause no trouble in a man's lifetime and those which will spread and should be treated.

Despite the different recommendations for screening, there is agreement about the need for public information about prostate cancer. Persons who could benefit from screening need to know of the benefit. Persons to whom screening is offered may know very little about the choices they could make, if the screening result is positive.

At this time, Florida has no federal funded or state-funded programs specifically relating to prostate cancer awareness. However, the Department of Health (DOH) reports: "Although there is currently no Prostate Cancer Awareness Program within DOH, prostate cancer is one of four priority areas of the department's Comprehensive Cancer Control Program, which is currently being formed. This program is being developed through a planning grant from the Centers for Disease Control and Prevention, and does not include funding for media, committee member travel, or other activities."

The department further notes that there are currently five localities in the state that are Racial/Ethnic Disparities (RED) grantees that address prostate cancer education, outreach, and screening in their grant activities. These RED grants are supported through General Revenue funds and are scheduled to end in June 2003.

Cervical Cancer

The American Cancer Society estimates that in 2004, about 10,520 cases of invasive cervical cancer will be diagnosed in the United States. Some researchers estimate that noninvasive cervical cancer (carcinoma in situ) is about four times more common than invasive cervical cancer. About 3,900 women will die from cervical cancer in the United States during 2004. Cervical cancer was once one of the most common causes of cancer death for American women. Between 1955 and 1992, the number of cervical cancer deaths in the United States dropped by 74 percent. The main reason for this change is the increased use of the Pap test. This screening procedure can find changes in the cervix before cancer develops. It can also find early cancer in its most curable stage. The death rate from cervical cancer continues to decline by about 2 percent a year.

III. Effect of Proposed Changes:

Section 1. Creates s. 460.4062, F.S., to authorize the Department of Health to issue a chiropractic medicine faculty certificate without examination to an individual who meets specified requirements. The holder of the certificate must pay up to \$100 as determined by the Board of Chiropractic Medicine and must show that he or she: is a graduate of a school or college of chiropractic accredited by the Council on Chiropractic Education; holds a valid current license to practice chiropractic in another jurisdiction in the United States; is at least 21 years of age and of good moral character; has not committed any act or offense which would be a violation of chiropractic physician licensure laws; and has accepted of a full-time faculty appointment to teach at a publicly funded university or college. Holders of chiropractic medicine faculty certificates may practice only in conjunction with a faculty position at a publicly funded state university or college and its affiliated clinics. Each certificate automatically expires when the holder's relationship with the school is terminated, or after a period of 2 years, whichever occurs first. Each certificate is renewable every 2 years by a holder who applies to the Board of Chiropractic Medicine and who continues to satisfy the requirements.

Section 2. Creates s. 1004.383, F.S., to authorize a chiropractic medicine degree program at Florida State University.

Section 3. Amends s. 561.121, F.S., by adding new subsections which provide for annual

distributions from the receipts from excise taxes on alcoholic beverages and annual appropriations, beginning July 1, 2004, as follows: \$15 million to the Grants and Donations Trust Fund within the Department of Elderly Affairs to support a contract with the Johnnie B. Byrd, Sr., Alzheimer's Center and Research Institute at the University of South Florida to conduct research, develop and operate integrated data projects, and provide assistance to memory disorder clinics; \$6 million to the Biomedical Research Trust Fund within the Department of Health to the James and Esther King Biomedical Research Program (\$250,000 of these funds shall be available annually for operating costs of the Florida Center for Universal Research to Eradicate Disease); and \$9 million (to be paid by warrant drawn by the Chief Financial Officer upon the State Treasury) to the Florida State University for the School of Chiropractic Medicine and further provides that until the School of Chiropractic Medicine is completely staffed and fully operational, funds may be used for any purpose by the university, notwithstanding Chapter 216, F.S.

Section 4. Amends 1004.43, F.S., to authorize the not-for-profit corporation that governs and operates the H. Lee Moffitt Cancer Center and Research Institute to create subsidiaries that are for-profit corporations, with approval of the State Board of Education. Prohibits the for-profit subsidiaries of the not-for-profit corporation from competing with for-profit health care providers in the delivery of radiation therapy services to patients. The bill expands the purpose of the not-for-profit corporation and its subsidiaries to include use of lands, facilities, and personnel for research, education, treatment, prevention, and the early detection of cancer. An opt-out provision is provided from the property insurance coverage under the State Risk Management Trust Fund if the entities maintain property insurance protection with comparable or greater coverage limits. The membership of the council of scientific advisers is revised to eliminate the appointment power of the State Board of Education to name five members to the council. Instead, the board of directors of the not-for-profit corporation would appoint all members to the council of scientific advisers. The bill provides that any appropriation to the institute shall be paid directly to the board of directors of the not-for-profit corporation by warrant drawn by the Chief Financial Officer from the State Treasury. This direct appropriation would include funds appropriated under s. 210.20(2), F.S., the cigarette tax collection trust fund.

Section 5. Amends s. 1004.445, F.S., renaming the Florida Alzheimer's Center and Research Institute as the Johnnie B. Byrd, Sr., Alzheimer's Center and Research Institute. Authorizes the not-for-profit corporation to create subsidiaries that are for-profit corporations with approval of the State Board of Education. The bill expands the purpose of the not-for-profit corporation and its subsidiaries to include use of lands, facilities, and personnel for research, education, treatment, prevention, and the early detection of Alzheimer's disease. An opt-out provision is provided from the property insurance coverage under the State Risk Management Trust Fund if the entities maintain property insurance protection with comparable or greater coverage limits. The membership of the council of scientific advisers is revised to eliminate the appointment power of the State Board of Education to name five members to the council. Instead, the board of directors of the not-for-profit corporation would appoint all members to the council of scientific advisers. The bill provides that any appropriation to the institute shall be paid directly to the board of directors of the not-for-profit corporation by warrant drawn by the Chief Financial Officer from the State Treasury.

Section 6. Creates the Florida Center for Universal Research to Eradicate Disease (CURED) within the Department of Health (DOH). The purpose of the center is to coordinate, improve, expand, and monitor all biomedical research programs within the state, facilitate funding opportunities, and foster improved technology transfer of research findings into clinical trials and widespread public use. The goal of the center is to find cures for diseases such as cancer, heart disease, lung disease, diabetes, autoimmune disorders, and neurological disorders, including Alzheimer's disease, epilepsy, and Parkinson's disease.

The center must hold an annual biomedical technology summit in Florida to which biomedical researchers, biomedical technology companies, business incubators, pharmaceutical manufacturers, and others around the nation and world are invited to share biomedical research findings in order to expedite the discovery of cures for diseases. Summit attendees will be required to cover, or obtain sponsorship for, the costs of their attendance.

The center must:

- Encourage clinical trials in Florida on research that holds promise of curing a disease or condition;
- Facilitate partnerships between researchers, treating physicians, and community hospitals for the purpose of sharing new techniques and new research findings, as well as coordinating voluntary donations to ensure an adequate supply of adult stem cells, placentas and cord blood;
- Facilitate the formation of partnerships between Florida researchers and institutions in other states and countries where research with rare plants or animals could lead to cures;
- Encourage Florida's agricultural colleges and agricultural businesses to be active in the search for cures and the provision of public information about disease prevention;
- Facilitate partnerships among researchers working to cure all types of diseases, including those that are prevalent in developed countries and those that occur in developing countries; and
- Encourage the discovery and production in Florida of vaccines that prevent disease.

The center must monitor the supply and demand for types of human tissue relating to research, including stem cell research, and other needs of researchers. If the center determines that there is a need for increased donation of human tissue, it must notify hospitals licensed under ch. 395, F.S., that have entered into partnership agreements with research institutes conducting stem cell research located in the same geographic region as the researchers in need of the stem cells or other tissues. The hospitals must then implement programs that encourage voluntary donations of cord blood or other needed tissues.

The center will be funded through private, state, and federal sources. The center will serve as a registry of all known biomedical grant opportunities and may assist any public or private biomedical research program in this state in preparing grant requests. The center must maintain a website with links to peer-reviewed biomedical research. The website must contain a list of all known biomedical research being conducted in Florida and must facilitate communication among researchers and other interested parties.

The center must submit an annual report to the Governor, the President of the Senate, and the Speaker of the House of Representatives no later than January 15 which contains

recommendations for legislative change necessary to foster a positive climate for biomedical research in Florida. The duties of the center may be outsourced by the Department of Health to a private entity or state university.

An advisory council, established within the center, must meet at least annually. The council will consist of the members of the board of directors of the Florida Research Consortium and at least one representative from each of the following:

- The Emerging Technology Commission;
- Enterprise Florida, Inc;
- BioFlorida;
- The Biomedical Research Advisory Council;
- The Florida Medical Foundation;
- Pharmaceutical Research and Manufacturers of America;
- The Florida Tri-Agency Coalition on Smoking and Health;
- The Florida Cancer Research Council;
- The American Cancer Society, Florida Division, Inc;
- The American Heart Association;
- The American Lung Association of Florida;
- The American Diabetes Association, South Coastal Region;
- The Alzheimer's Association;
- The Epilepsy Foundation;
- The National Parkinson's Foundation;
- The Florida Public Health Foundation, Inc;
- Scripps Florida, or the entity formed by the Scripps Research Institute in Florida.

Members of the council will serve without compensation and each organization represented must cover all expenses of its representative.

Section 7. Amends s. 215.5601, F.S., related to the Lawton Chiles Endowment Fund, to include the use of funds to support and expand biomedical research for the cure of specified diseases.

Section 8. Amends s. 215.5602, F.S., which creates the James and Esther King Biomedical Research Program, to require that the long-term goals of the program include the expansion of biomedical knowledge relating to cures, in addition to prevention, diagnosis, and treatment of diseases related to tobacco use, including cancer, cardiovascular disease, stroke, and pulmonary disease. The bill requires the program to give priority to research to prevent or cure disease. The Biomedical Research Advisory Council must submit a copy of its annual report to the Florida Center for Universal Research to Eradicate Disease, as well as to the Governor, the Secretary of Health, the President of the Senate and the Speaker of the House of Representatives.

Section 9. Renames the Life Sciences Building at the Florida State University as the "James E. 'Jim' King, Jr., Building" and authorizes markers to be erected for designation of the building. This building will be utilized for biology and laboratory research related programs.

Section 10. Establishes the Florida Cancer Research Council, effective July 1, 2004, within the Department of Health for the purpose of making Florida a center of excellence for cancer

research. The council is to be representative of Florida's cancer centers, hospitals, and patient groups, and is to be organized for the purpose of governing the affairs of the council. The council may create not-for-profit corporate subsidiaries to fulfill its mission, and those subsidiaries could receive, hold, invest, and administer property and any monies acquired from private, local, state, and federal sources as well as technical and professional income from the mission-related activities of the council.

Affairs of the council shall consist of:

- The Chairman of the Florida Dialogue on Cancer, who shall serve as the chairman of the council;
- The Secretary of the Department of Health, or his or her designee;
- The Chief Executive Officer of the H. Lee Moffitt Cancer Center, or his or her designee;
- The President of the University of Florida Sands Cancer Center, or his or her designee;
- The Chief Executive Officer of the University of Miami Sylvester Comprehensive Cancer Center, or his or her designee;
- The Chief Executive Officer of the Mayo Clinic, Jacksonville, or his or her designee;
- The Chief Executive Officer of the American Cancer Society, Florida Division, or his or her designee;
- The President of the American Cancer Society, Florida Division Board of Directors, or his or her designee;
- The President of the Florida Society of Clinical Oncology, or his or her designee;
- The President of the American College of Surgeons, Florida Chapter, or his or her designee;
- The Chief Executive Officer of Enterprise Florida, Inc., or his or her designee;
- Five representatives from cancer programs approved by the American College of Surgeons. Three of whom shall be appointed by the Governor, one by the Speaker of the House of Representatives, and one by the President of the Senate;
- One member of the House of Representatives, to be appointed by the Speaker of the House of Representatives; and
- One member of the Senate, to be appointed by the President of the Senate.

Appointments made by the Speaker of the House of Representatives and the President of the Senate will be for 2-year terms concurrent with the terms of the presiding officers who make the appointments. Appointments made by the Governor will be for 2-year terms, and the Governor may reappoint directors. Members of the council or any subsidiaries are to serve without compensation and each organization represented shall cover the expenses of its representatives.

The council must issue an annual report to the Center for Universal Research to Eradicate Disease, the Governor, the Speaker of the House of Representatives, and the President of the Senate by December 15 of each year. The report must contain policy and funding recommendations regarding cancer research capacity in Florida and related issues.

Section 11. Establishes the mission and duties of the Florida Cancer Research Council. The council must work in concert with the Florida Center for Universal Research to Eradicate Disease to ensure that the goals of the center are advanced, must endeavor to dramatically improve cancer research and treatment in Florida through the following efforts.

Efforts to significantly expand cancer research capacity in Florida by:

- Identifying ways to attract new research talent and attendant national grant producing researchers to Florida-based cancer research facilities;
- Implementing a peer-reviewed, competitive process to identify and fund the best proposals to expand cancer research institutes in Florida;
- Funding through available resources for those proposals that demonstrate the greatest opportunity to attract federal research grants and private financial support;
- Encouraging the employment of bioinformatics in order to create a cancer informatics infrastructure that enhances information and resource exchange and integration through researchers working in diverse disciplines, to facilitate the full spectrum of cancer investigations;
- Facilitating the technical coordination, business development, and support of intellectual property as it relates to the advancement of cancer research; and
- Aiding in other multidisciplinary research-support activities as they inure to the advancement of cancer research.

Efforts to improve both research and treatment through greater participation in clinical trials networks by:

- Identifying ways to increase adult enrollment in cancer clinical trials;
- Supporting public and private professional education programs designed to increase the awareness and knowledge about cancer clinical trials;
- Providing tools to cancer patients and community-based oncologists to aid in the identification of cancer clinical trials available in the state; and
- Creating opportunities for the state's academic cancer centers to collaborate with community-based oncologists in cancer clinical trials networks.

Efforts to reduce the impact of cancer on disparate groups by:

- Identifying those cancers that disproportionately impact certain demographic groups; and
- Building collaborations designed to reduce health disparities as they relate to cancer.

Section 12. Establishes the Florida Public Health Foundation, Inc., for the purpose of disseminating biomedical research breakthrough findings and promoting health awareness in Florida. The corporation's mission will include disseminating information about innovative biomedical research and clinical trials in Florida, as well as making Floridians and their treatment providers aware of specified diseases and conditions and of available methods of preventing, diagnosing, treating, and curing those diseases and conditions.

The corporation must be established as a not-for-profit entity qualifying under section 501(c)(3) of the Internal Revenue Code, and is authorized to receive, hold, invest, and administer property and any moneys acquired from private, local, state, and federal sources, as well as technical and professional income generated, or derived, from the mission-related activities of the corporation.

The corporation's duties will include procuring funds necessary for accomplishing the purpose and mission of the corporation. The corporation must complement, supplement, and enhance the missions of the various organizations, entities, and departments represented on its board by serving as the lead overall public health awareness corporation in the state.

The affairs of the not-for-profit corporation will be managed by an executive director appointed by a board of directors consisting of:

- The Secretary of the Department of Health or his or her designee;
- A former member of the Florida Senate appointed by the President of the Senate;
- A former member of the Florida House of Representatives appointed by the Speaker of the House of Representatives;
- A representative of the American Heart Association;
- A representative of the American Cancer Society, Florida Division, Inc.;
- A representative of the American Lung Association of Florida;
- A representative of the American Diabetes Association, South Coastal Region;
- A representative of the Alzheimer's Association;
- A representative of the Epilepsy Foundation;
- A representative of the National Parkinson's Foundation;
- A representative of the March of Dimes, Florida Chapter;
- A representative of the Arthritis Foundation, Florida Chapter;
- A representative of the American Liver Foundation;
- A representative of the Florida Council for Behavioral Healthcare, Inc.;
- A representative of the Florida Alcohol and Drug Abuse Association;
- A representative of Pharmaceutical Research and Manufacturers of America;
- A representative of the Florida Public Health Association;
- A representative of the Florida Association of County Health Officers;
- A public health academician selected by the State Health Officer;
- A representative of the Florida Academy of Family Physicians; and
- 3 consumers who have demonstrated an interest in promoting public health, appointed by the Florida Public Health Association.

Members of the board of directors will serve for 2-year terms and shall serve without compensation. Each organization represented on the board of directors is to cover the expenses of its representative.

The corporation, in consultation with DOH and the Florida Center for Universal Research to Eradicate Disease, must facilitate communication between biomedical researchers and health care providers each month according to the health awareness schedule established by the Florida Public Health Foundation, Inc. The corporation and DOH must enter into partnerships with providers of continuing education for healthcare practitioners to ensure that practitioners are aware of the most recent and complete diagnostic and treatment tools. The corporation must provide an annual report concerning its activities and finances to the Florida Center for Universal Research to Eradicate Disease, the Governor, Senate President, and House Speaker.

Section 13. Requires the Department of Health and the Florida Health Awareness Corporation to coordinate monthly health awareness campaigns with national, state, and local health care organizations and government entities targeting a wide range of the public, including: parents, teachers, and other school employees; students in 4th through 12th grade, colleges, and universities; state agency employees; county and local government employees; patients of county health departments; Medicaid recipients; health care professionals and providers; and the public in general.

The awareness campaigns must include the provision of educational information about preventing, detecting, treating, and curing specified diseases or conditions. Additional diseases and conditions which impact the public health may be added. The following diseases and conditions must be included in a public awareness campaign during at least one month in any 24-month period:

- Cancer, including breast, prostate, cervical, ovarian, colorectal, and skin cancer as well as leukemia;
- Heart disease;
- Stroke;
- Lung disease, including asthma and smoking-related diseases;
- Neurological disorders and disease, including Alzheimer's disease, Parkinson's disease, and Epilepsy;
- Gastrointestinal disease;
- Kidney disease;
- Diabetes;
- Liver disease;
- Autoimmune disorders;
- Birth defects and prenatal care;
- Obesity and malnutrition;
- Sexually transmissible diseases;
- Hepatitis A, B, and C;
- Arthritis;
- Vaccine-preventable diseases;
- Infectious diseases including HIV/AIDS;
- Substance abuse;
- Mental Illness;
- Lupus; and
- Osteoporosis.

The health awareness campaigns must be funded by the Florida Public Health Foundation, Inc., and the Florida Department of Health to the extent that funds are available from public and private sources. Health awareness information must be disseminated through all available methods, including print, audio, visual, and electronic media.

Section 14. Establishes the Prostate Cancer Awareness Program within the Department of Health to the extent that funds are available. The purpose of the program is to provide for statewide outreach and health education activities relating to early detection of prostate cancer. The Department of Health is authorized to conduct activities or enter into a contract with a qualified nonprofit community education entity to implement the program and seek gifts, grants, or funds from available organizations.

The bill creates a prostate cancer advisory committee to advise the Department of Health in implementing the program. The Secretary of Health will appoint the committee, which will include three members of prostate cancer survivor groups or cancer-related advocacy groups, three members who are scientists or clinicians from public universities or research organizations, and three members who are practicing cancer medical specialists from health organizations with

a commitment to cancer research and control. The committee members will serve without compensation but may be reimbursed for per diem and travel expenses under s. 112.061, F.S. The program is to be coordinated with the Florida Public Health Foundation, Inc.

Section 15. Establishes the Cervical Cancer Elimination Task Force, effective July 1, 2004, for the purpose of recommending strategies and actions to reduce the costs and burdens of cervical cancer in Florida. The task force is to present interim reports to the Florida Public Health Foundation, Inc.; the Florida Cancer Research Council; the Center for Universal Research to Eradicate Disease; the Governor; the President of the Senate; and the Speaker of the House of Representatives on January 1, 2006, and July 1, 2007, with a final report due on June 30, 2008. The task force is dissolved after submitting its final report.

The task force is to review statistical and qualitative data on the prevalence and burden of cervical cancer; receive and consider reports and testimony from various individuals and organizations statewide to learn more about their contributions to cervical cancer diagnosis, prevention, and treatment, as well as ideas for improving the care of cervical cancer patients; identify priority strategies and new technologies, including newly introduced vaccines, which are effective in preventing and controlling the risk of cervical cancer; provide recommendations to the Florida Public Health Foundation, Inc., on public awareness issues relating to cervical cancer; identify and examine existing programs, services, laws, and rules regarding the availability and coverage of treatment services for cervical cancer; and develop and revise a comprehensive Florida Cervical Cancer Prevention Plan and present those recommendations to the Department of Health and the Florida Cancer Control and Research Advisory Council for incorporation into the Florida Cancer Plan.

The task force will be comprised of:

- The director of the Department of Health's Division of Disease Control or another person with expertise in epidemiology who shall serve as chair, appointed by the Secretary of Health;
- A board-certified gynecologist licensed as a physician representing the Florida Obstetric and Gynecologic Society, appointed by the Governor;
- A family physician who provides gynecology services representing the Florida Academy of Family Physicians, appointed by the Governor;
- An oncologist licensed as a physician representing the Florida Division of the American Cancer Society, appointed by the President of the Senate;
- An advanced registered nurse practitioner who practices gynecology representing the Florida Nurses Association, appointed by the Speaker of the House of Representatives;
- A member of the Legislative Women's Caucus, appointed by the President of the Senate;
- A member of the Legislative Women's Caucus, appointed by the Speaker of the House of Representatives;
- The chief executive officer of the H. Lee Moffitt Cancer Center and Research Institute or his or her designee;
- The director of the University of Florida Shands Cancer Center or his or her designee;
- The director of the University of Miami Sylvester Comprehensive Cancer Center or his or her designee; and
- The chief executive officer of the Mayo Clinic, Jacksonville, or his or her designee.

Members of the task force shall be appointed to 4-year terms and shall serve without compensation. Each organization represented shall cover the expenses of its representative.

Section 16. Provides that except as otherwise expressly provided in this act, this act shall take effect upon becoming law.

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 Art. I, s. 24(a) and (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.

D. Other Constitutional Issues:

Section 10, Art. VII, State Constitution prohibits the state from becoming a joint owner with, or stockholder of, or giving, lending or using its taxing power or credit to aid any corporation, association, partnership or person. Cases interpreting this section of the Constitution have upheld various projects including the use of tax-exempt municipal bonds to finance the construction of a hotel and a sports stadium. *State v. Orange County Industrial Development Authority*, 417 So. 2d 959 (Fla. 1982); *Poe v. Hillsborough County*, 695 So. 2d 672 (Fla. 1997). However, no analogous judicial decisions have been found determining whether the direct cash benefits have a sufficient public purpose to survive scrutiny under s. 10, Art. VII, State Constitution. However, Attorney General opinions have found that a public purpose exists for the disbursements of funds to private businesses pursuant to economic development programs after a finding from a legislative body that a public purpose exists. See AGO 94-53, June 8, 1994; AGO 96-50, June 27, 1996.

V. Economic Impact and Fiscal Note:**A. Tax/Fee Issues:**

Persons wishing to practice under a chiropractic medical faculty certificate at a state public postsecondary educational institution will be subject to an initial licensure fee of no greater than \$100 and license renewal fee.⁵

B. Private Sector Impact:

The authorization of for-profit subsidiaries may encourage private entities to share research with the institute.

The bill provides for the creation of for-profit entities by the H. Lee Moffitt Cancer Center and the Johnnie B. Byrd, Sr., Alzheimer's Center and Research Institute. Questions may arise related to potential competitive advantages created by this legislation.

C. Government Sector Impact:

The bill provides for annual distributions from excise taxes on alcoholic beverages established in ss. 563.05, 564.06, and 565.12, F.S. and annual appropriations as follows:

- \$15 million to the Grants and Donations Trust Fund within the Department of Elderly Affairs to support a contract with the Johnnie B. Byrd, Sr., Alzheimer's Center and Research Institute at the University of South Florida;
- \$6 million to the Biomedical Research Trust Fund within the Department of Health to the James and Esther King Biomedical Research Program and provides that \$250,000 of these funds shall be available annually for operating costs of the Florida Center for Universal Research to Eradicate Disease; and
- \$9 million (to be paid by warrant drawn by the Chief Financial Officer upon the State Treasury) to the Florida State University for the School of Chiropractic Medicine and further provides that until the School of Chiropractic Medicine is completely staffed and fully operational, funds may be used for any purpose by the university, notwithstanding Chapter 216, F.S.

VI. Technical Deficiencies:

None.

VII. Related Issues:

The bill limits the issuance of chiropractic medicine faculty certificates to full-time faculty teaching at a publicly funded state university or college. The bill does not include the existing

⁵ Section 460.407(1), F.S., authorizes the Department of Health to renew a chiropractic license upon receipt of the renewal application and the fee set by the board not to exceed \$500.

doctor of chiropractic program at the Palmer College of Chiropractic Florida located in Port Orange, Florida, which has been matriculating students since 2001.

The bill does not impose an annual limitation on the number of chiropractic medicine faculty certificates that may be extended at each institution. Analogous provisions under the medical practice act, provide that each medical school and the H. Lee Moffitt Cancer Center and Research Institute may renew a maximum of 15 medical faculty certificates in any year, but the Mayo Medical School at the Mayo Clinic in Jacksonville may only renew a maximum of 5 certificates in any year.

VIII. Amendments:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.
