



443278

LEGISLATIVE ACTION

Senate	.	House
	.	
	.	
Floor: AD/CR	.	
05/03/2013 11:37 AM	.	
	.	

---

The Conference Committee on CS/CS/SB 1660, 1st Eng. recommended the following:

1           **Senate Conference Committee Amendment (with title**  
2 **amendment)**

3  
4           Delete everything after the enacting clause  
5 and insert:

6           Section 1. Section 381.925, Florida Statutes, is created to  
7 read:

8           381.925 Cancer Center of Excellence Award.-

9           (1) The Legislature intends to recognize hospitals,  
10 treatment centers, and other providers in this state which  
11 demonstrate excellence in patient-centered coordinated care for  
12 persons undergoing cancer treatment and therapy in this state.



443278

13 The goal of this program is to encourage excellence in cancer  
14 care in this state, attract and retain the best cancer care  
15 providers to the state, and help Florida providers be recognized  
16 nationally as a preferred destination for quality cancer care.  
17 The Cancer Center of Excellence Award will recognize providers  
18 that exceed service standards and excel in providing quality,  
19 comprehensive, and patient-centered coordinated care.

20 (2) The Florida Cancer Control and Research Advisory  
21 Council, established in s. 1004.435, and the Biomedical Research  
22 Advisory Council, established in s. 215.5602, shall select seven  
23 members and six members, respectively, to form a joint  
24 committee.

25 (a) The joint committee, consisting of 13 members, shall:

26 1. By January 1, 2014, develop rigorous performance  
27 measures, a rating system, and a rating standard that must be  
28 achieved to document and distinguish a cancer center that excels  
29 in providing quality, comprehensive, and patient-centered  
30 coordinated care.

31 2. Review at least every 3 years and revise, if applicable,  
32 the performance measures, rating system, and rating standard to  
33 ensure providers are continually enhancing their programs to  
34 reflect best practices and advances in cancer treatment and care  
35 from the perspective of quality, comprehensive and patient-  
36 centered coordinated care.

37 3. Submit its proposed performance measures, rating system,  
38 and rating standard to the Florida Cancer Control and Research  
39 Advisory Council and the Biomedical Research Advisory Council to  
40 be approved by both councils prior to the evaluation of any  
41 provider under such criteria.



443278

42           (b) The criteria established by the joint committee must  
43 require, at a minimum, that each hospital, treatment center, or  
44 other provider:

45           1. Maintain a license in good standing in this state which  
46 authorizes health care services to be provided.

47           2. Be accredited by the Commission on Cancer of the  
48 American College of Surgeons.

49           3. Actively participate in at least one regional cancer  
50 control collaborative that is operating pursuant to the Florida  
51 Comprehensive Cancer Control Program's cooperative agreement  
52 with the Centers for Disease Control and Prevention's National  
53 Comprehensive Cancer Control Program.

54           4. Demonstrate excellence in and dissemination of  
55 scientifically rigorous cancer research.

56           5. Integrate training and education of biomedical  
57 researchers and health care professionals.

58           6. Meet enhanced cancer care coordination standards which,  
59 at a minimum, focus on:

60           a. Coordination of care by cancer specialists and nursing  
61 and allied health professionals.

62           b. Psychosocial assessment and services.

63           c. Suitable and timely referrals and followup.

64           d. Providing accurate and complete information on treatment  
65 options, including clinical trials, which consider each person's  
66 needs, preferences, and resources, whether provided by that  
67 center or available through other health care providers.

68           e. Participation in a comprehensive network of cancer  
69 specialists of multiple disciplines, which enables the patient  
70 to consult with a variety of experts to examine treatment



443278

71 alternatives.

72 f. Family services and support.

73 g. Aftercare and survivor services.

74 h. Patient and family satisfaction survey results.

75 (c) The members of the joint committee shall serve without  
76 compensation but may receive reimbursement as provided in s.  
77 112.061 for travel and other necessary expenses incurred in the  
78 performance of their official duties.

79 (d) The Department of Health shall provide such staff,  
80 information, and other assistance as is reasonably necessary to  
81 assist the joint committee in carrying out its responsibilities.

82 (3) (a) A provider may apply to the Department of Health for  
83 a Cancer Center of Excellence Award. The joint committee must  
84 develop an application form to be used by the Department of  
85 Health that requires, among other things, submission of  
86 documentation by the provider which demonstrates that the  
87 criteria in subsection (2) have been met.

88 (b) After January 1, 2014, the Department of Health shall  
89 annually conduct two application cycles. The applications are  
90 not applications for licensure; the grant of the award by the  
91 State Surgeon General is not final agency action; and the Cancer  
92 Center of Excellence Award program is not subject to the  
93 provisions of chapter 120.

94 (4) (a) The State Surgeon General shall appoint a team of  
95 independent evaluators to assess applicants to determine  
96 eligibility for the award. An application is to be evaluated  
97 independently of any other application. The team shall consist  
98 of five evaluators to be selected, in any combination, from the  
99 following:



443278

100           1. No more than five health care practitioners or health  
101 care facilities not licensed in this state which provide health  
102 care services involving cancer diagnoses or treatment;

103           2. No more than three members from the Florida Cancer  
104 Control and Research Advisory Council;

105           3. No more than two members from the Biomedical Research  
106 and Advisory Council; and

107           4. No more than one layperson who has experience as a  
108 cancer patient or as a family member of a cancer patient if that  
109 person or his or her family member did not receive care from the  
110 applicant or providers being evaluated.

111           (b) Each evaluator must be independent and free of any  
112 conflict of interest with respect to a health care provider or  
113 facility licensed in this state. Each person selected to  
114 participate on the evaluation team must sign a conflict of  
115 interest attestation before being appointed to the evaluation  
116 team.

117           (5) (a) Two evaluation team members may, as necessary,  
118 conduct an onsite evaluation to verify submitted application  
119 documentation.

120           (b) Each member on the evaluation team shall report to the  
121 State Surgeon General those applicants that achieved or exceeded  
122 the required score based on the rating system developed in  
123 subsection (2) which demonstrates the cancer center excels in  
124 providing quality, comprehensive, and patient-centered  
125 coordinated care.

126           (6) The State Surgeon General shall notify the Governor  
127 regarding the providers that are eligible to receive the Cancer  
128 Center of Excellence Award.



443278

129           (7) The award shall be recognized for a period of 3 years  
130 after the date of the award. A provider may reapply for  
131 subsequent awards.

132           (8) A provider that receives a Cancer Center of Excellence  
133 Award may use the designation in its advertising and marketing  
134 for up to 3 years after the date of the award. In addition, a  
135 provider that receives a Cancer Center of Excellence Award may  
136 be granted, for 3 years after the date of the award, a  
137 preference in competitive solicitations related to cancer care  
138 or research undertaken by a state agency or state university.

139           (9) The State Surgeon General shall report to the President  
140 of the Senate and the Speaker of the House of Representatives by  
141 January 31, 2014, the status of implementing the Cancer Center  
142 of Excellence Award program, and by December 15 annually  
143 thereafter, the number of applications received, the number of  
144 award recipients by application cycle, a list of award  
145 recipients, and recommendations to strengthen the program.

146           (10) The Department of Health shall adopt necessary rules  
147 related to the application cycles and submission of the  
148 application form.

149           Section 2. Paragraph (j) is added to subsection (4) of  
150 section 215.5602, Florida Statutes, and subsection (12) of that  
151 section is amended, to read:

152           215.5602 James and Esther King Biomedical Research  
153 Program.—

154           (4) The council shall advise the State Surgeon General as  
155 to the direction and scope of the biomedical research program.  
156 The responsibilities of the council may include, but are not  
157 limited to:



443278

158       (j) The council shall select, by majority vote, six members  
159 of the council who must combine with seven members of the  
160 Florida Cancer Control and Research Advisory Council to form a  
161 joint committee to develop performance measures, a rating  
162 system, a rating standard, and an application form for the  
163 Cancer Center of Excellence Award created in s. 381.925.

164       (12) (a) Beginning in the 2011-2012 fiscal year and  
165 thereafter, \$25 million from the revenue deposited into the  
166 Health Care Trust Fund pursuant to ss. 210.011(9) and 210.276(7)  
167 shall be reserved for research of tobacco-related or cancer-  
168 related illnesses. Of the revenue deposited in the Health Care  
169 Trust Fund pursuant to this section, \$25 million shall be  
170 transferred to the Biomedical Research Trust Fund within the  
171 Department of Health. Subject to annual appropriations in the  
172 General Appropriations Act, \$5 million shall be appropriated to  
173 the James and Esther King Biomedical Research Program, \$5  
174 million shall be appropriated to the William G. "Bill" Bankhead,  
175 Jr., and David Coley Cancer Research Program created under s.  
176 381.922, \$5 million shall be appropriated to the H. Lee Moffitt  
177 Cancer Center and Research Institute established under s.  
178 1004.43, \$5 million shall be appropriated to the Sylvester  
179 Comprehensive Cancer Center of the University of Miami, and \$5  
180 million shall be appropriated to the Shands Cancer Hospital.

181       (b) Beginning July 1, 2014, an entity which performs or is  
182 associated with cancer research or care that receives a specific  
183 appropriation for biomedical research, research-related  
184 functions, operations or other supportive functions, or  
185 expansion of operations in the General Appropriations Act  
186 without statutory reporting requirements for the receipt of



443278

187 those funds, must submit an annual fiscal-year progress report  
188 to the President of the Senate and the Speaker of the House of  
189 Representatives by December 15. The report must:

190 1. Describe the general use of the funds.

191 2. Specify the research, if any, funded by the  
192 appropriation.

193 3. Describe any fixed capital outlay project funded by the  
194 appropriation, the need for the project, how the project will be  
195 utilized, and the timeline for and status of the project, if  
196 applicable.

197 4. Identify any federal or private grants or donations  
198 generated as a result of the appropriation or activities funded  
199 by the appropriation, if applicable and traceable.

200 Section 3. Present subsection (4) of section 381.922,  
201 Florida Statutes, is renumbered as subsection (5), and a new  
202 subsection (4) is added to that section, to read:

203 381.922 William G. "Bill" Bankhead, Jr., and David Coley  
204 Cancer Research Program.—

205 (4) In order to attract and retain experienced research  
206 talent and attendant national grant-producing researchers to  
207 integrated cancer research and care institutions in this state,  
208 the Department of Health shall award endowments to integrated  
209 cancer research and care institutions for establishing a funded  
210 research chair, pursuant to the General Appropriations Act,  
211 specifying an appropriation for this purpose. Funding for the  
212 endowed chairs must be independent of funds appropriated  
213 pursuant to s. 215.5602(12). The purpose of the endowment is to  
214 provide secure funding for at least 7 years to attract an  
215 experienced and promising researcher whose continued employment



443278

216 for this period is not contingent upon grant awards associated  
217 with time-limited research projects. In addition, the  
218 Legislature intends for a research chair to specialize in a  
219 cancer-related research field that will facilitate coordination  
220 among research institutions within the state and attract other  
221 promising researchers and funding to the state.

222 (a) Upon selection of an endowed research chair, the  
223 institution shall notify the chairs of the appropriations  
224 committees of the Senate and the House of Representatives. An  
225 institution funded pursuant to this subsection shall provide to  
226 the Governor, the President of the Senate, and the Speaker of  
227 the House of Representatives an annual progress report by  
228 December 15 that must, at a minimum, provide the research  
229 chair's name; the amount of the endowment fund used for the  
230 chair's salary; research responsibilities; the percentage of  
231 time devoted to research if the chair also serves as a member of  
232 the faculty; research progress; progress toward achieving the  
233 goals of this program; endowment expenditures; balance, interest  
234 rate, and interest earned on the endowment; and the amount of  
235 federal or private grants or donations generated, if any, as a  
236 result of the research chair's efforts.

237 (b) If an institution must replace an endowed research  
238 chair, the endowment must cease funding expenses associated with  
239 the endowed research chair, other than reasonable costs for  
240 recruitment, until a replacement chair has been retained. While  
241 the endowed research chair is vacant, the endowment must  
242 continue to earn interest and all earnings must be added to the  
243 balance of the endowment. A vacancy tolls the 7-year timeframe  
244 for the endowed research chair.



443278

245 Section 4. Present paragraph (r) of subsection (4) of  
246 section 1004.435, Florida Statutes, is redesignated as paragraph  
247 (s), and a new paragraph (r) is added to that subsection, to  
248 read:

249 1004.435 Cancer control and research.—

250 (4) FLORIDA CANCER CONTROL AND RESEARCH ADVISORY COUNCIL;  
251 CREATION; COMPOSITION.—

252 (r) The council shall select, by majority vote, seven  
253 members of the council who must combine with six members of the  
254 Biomedical Research Advisory Council to form a joint committee  
255 to develop performance measures, a rating system, a rating  
256 standard, and an application form for the Cancer Center of  
257 Excellence Award created in s. 381.925.

258 Section 5. This act shall take effect July 1, 2013.

259  
260 ===== T I T L E A M E N D M E N T =====

261 And the title is amended as follows:

262 Delete everything before the enacting clause  
263 and insert:

264 A bill to be entitled  
265 An act relating to quality cancer care and research;  
266 creating s. 381.925, F.S.; providing legislative  
267 intent and goals; establishing a Cancer Center of  
268 Excellence Award for providers that excel in providing  
269 cancer care and treatment in this state; requiring the  
270 Florida Cancer Control and Research Advisory Council  
271 and the Biomedical Research Advisory Council to each  
272 select a certain number of members to form a joint  
273 committee to develop and periodically update



443278

274 performance measures, a rating system, and a rating  
275 standard in accordance with specified criteria for  
276 applicants to qualify for the award; requiring  
277 approval by both councils of the performance measures,  
278 rating system, and rating standard developed by the  
279 joint committee; providing minimum standards;  
280 prohibiting members of the joint committee from being  
281 compensated, but authorizing reimbursement for travel  
282 and other necessary expenses; authorizing a provider  
283 to apply to the Department of Health for the award;  
284 requiring the joint committee to develop an  
285 application form; requiring the department to conduct  
286 two application cycles each year; specifying that ch.  
287 120, F.S., does not apply to the applications for or  
288 the award of the grant by the State Surgeon General;  
289 requiring the State Surgeon General to assemble an  
290 evaluation team to assess applications; requiring each  
291 application to be evaluated independently of any other  
292 application; providing membership of and requirements  
293 for the evaluation team; providing duties of the  
294 members of the evaluation team; requiring the award to  
295 be presented to eligible institutions by the Governor  
296 and the Surgeon General; limiting the duration of the  
297 award; authorizing an award-winning cancer provider to  
298 use the designation in its advertising and marketing;  
299 providing that an award-winning cancer provider is  
300 granted preference in competitive solicitations  
301 related to cancer care or research for a specified  
302 period of time; requiring the State Surgeon General to



443278

303 report certain information to the Legislature by a  
304 specified date and annually thereafter; requiring the  
305 Department of Health to adopt rules related to the  
306 application cycles and submission of the application  
307 forms; amending s. 215.5602, F.S.; revising the  
308 responsibilities of the Biomedical Research Advisory  
309 Council with regard to the Cancer Center of Excellence  
310 Award program; requiring entities receiving an  
311 appropriation in the General Appropriations Act to  
312 submit an annual fiscal-year progress report to the  
313 Legislature by a specified date; amending s. 381.922,  
314 F.S.; authorizing endowments, subject to an  
315 appropriation, under the William G. "Bill" Bankhead,  
316 Jr., and David Coley Cancer Research Program for  
317 establishing funded research chairs at integrated  
318 research and care institutions; providing procedures  
319 if the endowed research chair becomes vacant;  
320 requiring that research institutions report certain  
321 information regarding the selected endowed research  
322 chair and other information about the endowment;  
323 providing for qualifications of the endowed research  
324 chair; specifying the use of the funds in the  
325 endowment; amending s. 1004.435, F.S.; revising the  
326 responsibilities of the Florida Cancer Control and  
327 Research Advisory Council with regard to the Cancer  
328 Center of Excellence Award program; providing an  
329 effective date.