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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/18/2013	.	
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The Committee on Children, Families, and Elder Affairs
(Grimsley) recommended the following:

Senate Amendment (with title amendment)

Delete lines 105 - 200
and insert:

(b) The Department of Health shall conduct two application cycles annually. The applications are not applications for licensure, the notification by the State Surgeon General to the Governor of the entities that are eligible for the award is not final agency action, and this program is not subject to the provisions of chapter 120.

(4) (a) The State Surgeon General shall appoint a team of



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12 independent evaluators to assess applicants to determine
13 eligibility for the award. An application is to be evaluated
14 independently of any other application. The team shall consist
15 of five evaluators to be selected, in any combination, from the
16 following:

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

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

22 3. No more than two members from the Biomedical Research
23 and Advisory Council; and

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

28 (b) Each evaluator must be independent and free of any
29 conflict of interest with respect to a health care provider or
30 facility licensed in this state. Each person selected to
31 participate on the evaluation team must sign a conflict of
32 interest attestation before being appointed to the evaluation
33 team.

34 (5) (a) Two evaluation team members may, as necessary,
35 verify on-site documentation submitted with an application for
36 the award.

37 (b) Each member on the evaluation team shall report to the
38 State Surgeon General those applicants that achieved or exceeded
39 the required score based on the rating system developed in
40 subsection (2) which demonstrates the cancer center excels in



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41 providing a quality, comprehensive, and patient-centered
42 coordinated care program.

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

46 (7) The award shall be recognized for a period of 3 years
47 from the date of the award. A provider may reapply for
48 subsequent awards.

49 (8) A provider that receives a Cancer Center of Excellence
50 Award may use the designation in its advertising and marketing
51 for up to 3 years from the date of the award. In addition, a
52 provider that receives a Cancer Center of Excellence Award may
53 be granted, for 3 years from the date of the award, a preference
54 in competitive solicitations undertaken by a state agency or
55 state university.

56 (9) The State Surgeon General shall report to the President
57 of the Senate and the Speaker of the House of Representatives by
58 January 31, 2014, and annually thereafter, the status of
59 implementing the Cancer Center of Excellence Award program,
60 metrics on the number of applications received and the number of
61 award recipients by application cycle, a list of award
62 recipients, and recommendations for legislation to strengthen
63 the program.

64 (10) The Department of Health shall adopt rules related to
65 the application cycles and submission of the application form.

66 Section 2. Paragraph (r) of subsection (4) of section
67 1004.435, Florida Statutes, is redesignated as paragraph (s),
68 and paragraph (r) is added to that subsection, to read:

69 1004.435 Cancer control and research.-



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70 (4) FLORIDA CANCER CONTROL AND RESEARCH ADVISORY COUNCIL;
71 CREATION; COMPOSITION.—

72 (r) The council shall, with the Biomedical Research
73 Advisory Council, jointly develop performance measures, a rating
74 system, a rating standard, and an application form for the
75 Cancer Center of Excellence Award in s. 381.925. The council
76 shall also support the State Surgeon General implement the
77 Cancer Center of Excellence Award program by ensuring at least
78 three members of the Council who are independent of applicants
79 for the award are available to serve on the evaluation team as
80 requested by the State Surgeon General, and advise the State
81 Surgeon General with respect to the Cancer Center for Excellence
82 Award program.

83 Section 3. Paragraph (j) is added to subsection (4) of
84 section 215.5602, Florida Statutes, to read:

85 215.5602 James and Esther King Biomedical Research
86 Program.—

87 (4) The council shall advise the State Surgeon General as
88 to the direction and scope of the biomedical research program.
89 The responsibilities of the council may include, but are not
90 limited to:

91 (j) The council shall, with the Florida Cancer Control and
92 Research Advisory Council, jointly develop performance measures,
93 a rating system, a rating standard, and an application form for
94 the Cancer Center of Excellence Award in s. 381.925. The council
95 shall also support the State Surgeon General implement the
96 Cancer Center of Excellence Award program by ensuring at least
97 two members of the Council who are independent of applicants for
98 the award are available to serve on the evaluation team as



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99 requested by the State Surgeon General, and advise the State
100 Surgeon General with respect to the Cancer Center for Excellence
101 Award program.

102 Section 4. Subsection (4) of section 381.922, Florida
103 Statutes, is renumbered as subsection (5), and a new subsection
104 (4) is added to that section, to read:

105 381.922 William G. "Bill" Bankhead, Jr., and David Coley
106 Cancer Research Program.—

107 (4) In order to attract and retain experienced research
108 talent and attendant national grant-producing researchers to
109 cancer research institutions in this state, the Department of
110 Health shall award endowments to cancer research institutions
111 for establishing a funded research chair, pursuant to the
112 General Appropriations Act specifying an appropriation for this
113 purpose. The purpose of the endowment is to provide a secure
114 funding for at least 7 years to attract an experienced and
115 promising researcher whose continued employment for this period
116 is not contingent upon grant awards associated with time-limited
117 research projects. In addition, the Legislature intends for a
118 chair to specialize in a cancer-related research field that will
119 facilitate coordination among research institutions within the
120 state, and attract other promising researchers and funding to
121 the state.

122 (a) Any research institution funded pursuant to this
123 section shall provide a report to the Governor, the Speaker of
124 the House of Representatives, and the President of the Senate
125 which must, at a minimum, describe the research program and
126 general responsibilities of the researcher who is to be selected
127 for the endowed chair. Upon final selection of the research



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128 chair or if it becomes necessary to identify a replacement
129 research chair the research institution shall notify the Chair
130 of the Appropriations Committee of the House of Representatives
131 and the Chair of the Appropriations Committee of the Senate of
132 his or her name, endowment budget, and specific research
133 responsibilities. The research institution shall annually report
134 to the Speaker of the House of Representatives and the President
135 of the Senate the chair's name, current salary, research
136 responsibilities, percentage of time devoted to research if the
137 chair also serves as a member of the faculty, reports on
138 research progress and progress toward achieving the goals of
139 this program, endowment expenditures and balance, interest rate,
140 and interest earned on the endowment.

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144 ===== T I T L E A M E N D M E N T =====

145 And the title is amended as follows:

146 Delete lines 17 - 36

147 and insert:

148 form; providing two application cycles each year;
149 specifying that chapter 120, F.S., does not apply to
150 the applications or notification of entities that are
151 eligible for the award; requiring the State Surgeon
152 General to assemble an evaluation team to assess
153 applications; requiring each application to be
154 evaluated independently of any other application;
155 providing membership of and requirements for the
156 evaluation team; providing duties of the members of



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157 the evaluation team; requiring the State Surgeon
158 General to notify the Governor of the providers that
159 are eligible to receive the award; limiting the
160 duration of the award; authorizing an award-winning
161 cancer provider to use the designation in its
162 advertising and marketing; providing that an award-
163 winning cancer provider is granted preference in
164 competitive solicitations for a specified period of
165 time; requiring the State Surgeon General to report to
166 the Legislature by a specified date the status of
167 implementing the award program and annually
168 thereafter; requiring the Department of Health to
169 adopt rules to implement the program; amending
170 s. 1004.435, F.S.; adding to the responsibilities of
171 the Florida Cancer Control and Research Advisory
172 Council the responsibilities assigned to the Council
173 under the Cancer Center of Excellence Award Program;
174 amending s. 215.5602, F.S., adding to the
175 responsibilities of the Biomedical Research Advisory
176 Council the responsibilities assigned to the Council
177 under the Cancer Center of Excellence Award Program;
178 amending s. 381.922, F.S.; authorizing endowments
179 under the William G. "Bill" Bankhead, Jr., and David
180 Coley Cancer Research Program for establishing funded
181 research chairs at research institutions contingent
182 upon an appropriation; requiring submission of