

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Health & Human Services
 2 Committee

3 Representative Oliva offered the following:

4
 5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:
 7 Section 1. Section 381.925, Florida Statutes, is created to
 8 read:

9 381.925 Cancer Center of Excellence Award.—

10 (1) The Legislature intends to recognize hospitals,
 11 treatment centers, and other providers in this state which
 12 demonstrate excellence in patient-centered, coordinated care for
 13 persons undergoing cancer treatment and therapy in this state.
 14 The goal of this program is to encourage excellence in cancer
 15 care in this state, attract and retain the best cancer care
 16 providers to the state, and help Florida providers be recognized
 17 nationally as a preferred destination for quality cancer care.
 18 The Cancer Center of Excellence Award will recognize providers
 19 that exceed service standards and excel in providing quality,
 20 comprehensive, and patient-centered coordinated care.

Amendment No. 1

21 (2) The Florida Cancer Control and Research Advisory
22 Council, established in s. 1004.435, and the Biomedical Research
23 Advisory Council, established in s. 215.5602, shall select 7
24 members and 6 members, respectively, to form a joint 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
32 applicable, the performance measures, rating system, and rating
33 standard to ensure providers are continually enhancing their
34 programs to reflect best practices and advances in cancer
35 treatment and care from the perspective of comprehensive and
36 patient-centered coordinated care; and

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

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 this state which authorizes
46 health care services to be provided. A provider may not have
47 been disciplined or subjected to any administrative enforcement

Amendment No. 1

48 action by state or federal regulatory authorities within the
49 preceding 3 years.

50 2. Be accredited by the Commission on Cancer of the
51 American College of Surgeons.

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

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

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

61 b. Psychosocial assessment and services.

62 c. Suitable and timely referrals and followup.

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

72 f. Family services and support.

73 g. Aftercare and survivor services.

74 h. Patient and family satisfaction survey results.

Amendment No. 1

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
83 for a Cancer Center of Excellence Award. The joint committee
84 must 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 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:

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;

Amendment No. 1

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 (c) The State Surgeon General shall, after consultation
127 with the evaluation team, determine if the review process was
128 objective and consistent to ensure a fair and high quality
129 evaluation process, and grant the awards.

Amendment No. 1

130 (6) The State Surgeon General shall notify the Governor
131 which providers have been granted the Cancer Center of
132 Excellence Award by the Surgeon General.

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

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

143 (9) The State Surgeon General shall report to the
144 President of the Senate and the Speaker of the House of
145 Representatives by January 31, 2014, the status of implementing
146 the Cancer Center of Excellence Award program, and by December
147 15 annually thereafter, the number of applications received, the
148 number of award recipients by application cycle, a list of award
149 recipients, and recommendations to strengthen the program.

150 (10) The Department of Health shall adopt necessary rules
151 related to the application cycles and submission of the
152 application form.

153 Section 2. Paragraph (j) is added to subsection (4) of
154 section 215.5602, Florida Statutes, and paragraphs (a) and (b)
155 of subsection (10) and subsection (12) are amended in that
156 section to read:

Amendment No. 1

157 215.5602 James and Esther King Biomedical Research
158 Program.—

159 (4) The council shall advise the State Surgeon General as
160 to the direction and scope of the biomedical research program.
161 The responsibilities of the council may include, but are not
162 limited to:

163 (j) The council shall select, by majority vote, 6 members
164 of the council, who must combine with 7 members of the Florida
165 Cancer Control and Research Advisory Council to form a joint
166 committee to develop performance measures, a rating system, a
167 rating standard, and an application form for the Cancer Center
168 of Excellence Award created in s. 381.925. The council shall
169 also support the State Surgeon General in implementing the award
170 program by ensuring that at least two members of the council,
171 who must be independent of the applicants for the award, are
172 available to serve on the evaluation team as requested by the
173 State Surgeon General. The council shall advise the State
174 Surgeon General with respect to the Cancer Center of Excellence
175 Award program.

176 (10) The council shall submit a fiscal-year progress
177 report on the programs under its purview to the Governor, the
178 State Surgeon General, the President of the Senate, and the
179 Speaker of the House of Representatives by December 15. The
180 report must include:

181 (a) A list of research projects supported by grants or
182 fellowships awarded under the program. For each listed research
183 project, the report must include:

Amendment No. 1

184 1. The total amount granted to support the research
185 project and any amount of unobligated or unspent funds.

186 2. An itemization of all expenditures, including those for
187 salaries, equipment, and overhead.

188 3. Whether the research is ongoing or has been completed.

189 4. If the research has not been completed, the estimated
190 date of completion.

191 (b) A list of recipients of program grants or fellowships.
192 The report must include, for each recipient, the amount awarded,
193 the intended use of the award, and a brief description of the
194 reasons why the recipient was chosen for the award.

195 (12)(a) Beginning in the 2011-2012 fiscal year and
196 thereafter, \$25 million from the revenue deposited into the
197 Health Care Trust Fund pursuant to ss. 210.011(9) and 210.276(7)
198 shall be reserved for research of tobacco-related or cancer-
199 related illnesses. Of the revenue deposited in the Health Care
200 Trust Fund pursuant to this section, \$25 million shall be
201 transferred to the Biomedical Research Trust Fund within the
202 Department of Health. Subject to annual appropriations in the
203 General Appropriations Act, \$5 million shall be appropriated to
204 the James and Esther King Biomedical Research Program, \$5
205 million shall be appropriated to the William G. "Bill" Bankhead,
206 Jr., and David Coley Cancer Research Program created under s.
207 381.922.

208 (b) Subject to annual appropriations in the General
209 Appropriations Act, \$5 million shall be appropriated to the H.
210 Lee Moffitt Cancer Center and Research Institute established
211 under s. 1004.43, \$5 million shall be appropriated to the

Amendment No. 1

212 Sylvester Comprehensive Cancer Center of the University of
213 Miami, and \$5 million shall be appropriated to the Shands Cancer
214 Hospital.

215 (c) Funds appropriated to entities listed in subsection (b)
216 and any other entity that performs or is associated with cancer
217 research or care that receives a specific appropriation for
218 biomedical research, research-related functions, operations or
219 other supportive functions, or expansion of operations in the
220 General Appropriations Act must submit beginning July 1, 2014 an
221 annual fiscal-year progress report to the President of the
222 Senate and the Speaker of the House of Representatives by
223 December 15. The report must:

224 1. Contain an itemization of all expenditures;

225 2. Identify the amount of unobligated or unspent funds
226 appropriated, if any;

227 3. Include a report from an independent audit of receipts
228 and payments of the state funds, which may be funded by a
229 portion of the appropriation;

230 4. Specify the research, if any, funded by the
231 appropriation, as well as the expected and actual results of
232 such research;

233 5. Describe any fixed capital outlay project funded by the
234 appropriation, the need for the project, how the project will be
235 utilized, and the timeline for and status of the project, if
236 applicable;

237 6. Include the job description, annual salary and
238 benefits, and performance reviews of all funded staff positions,
239 if applicable;

Amendment No. 1

240 7. Identify any federal or private grants or donations
241 generated as a result of the appropriation or activities funded
242 by the appropriation;

243 8. Specify the research, if any, funded by the
244 appropriation, as well as the expected and actual results of
245 such research; and

246 9. Include an assessment of the direct and indirect
247 economic impact of the appropriation, including a description of
248 the contribution of research funded by the appropriation to
249 scientific or technological advancement, and including the
250 economic impact of any federal and private grants or donations
251 generated as a result of the appropriation or activities funded
252 by the appropriation.

253 Section 3. Subsection (4) of section 381.922, Florida
254 Statutes, is renumbered as subsection (5), and new subsections
255 (4) and (6) are added to that section, to read:

256 381.922 William G. "Bill" Bankhead, Jr., and David Coley
257 Cancer Research Program.—

258 (4) In order to attract and retain experienced research
259 talent and attendant national grant-producing researchers to
260 integrated cancer research and care institutions in this state,
261 the Department of Health may award only one endowment per
262 integrated cancer research and care institution that applies, on
263 a form developed by the department, for an endowed research
264 chair grant. The institution must hold a Cancer Center of
265 Excellence Award pursuant to s. 381.925 or a designation by the
266 National Cancer Institute or its successor organization, for the
267 purpose of establishing funded research chairs, pursuant to a

Amendment No. 1

268 specific appropriation for this purpose in the General
269 Appropriations Act. The funds used for such purpose must be
270 independent of funds appropriated pursuant to s. 215.5602(12).
271 A recipient of endowed research chair funds is required to place
272 the funds in an interest bearing account and the interest must
273 be added to the principal balance of the endowment. The
274 endowments are to be used to provide secure funding for research
275 chairs for at least 7 years and to attract experienced and
276 promising researchers whose continued employment for this period
277 is not contingent upon grant awards associated with time-limited
278 research projects. In addition, the Legislature intends for the
279 research chairs to specialize in a cancer-related research field
280 that will facilitate coordination among research institutions
281 within the state, attract other promising researchers and
282 funding to the state, and assist in the sharing of knowledge,
283 resources and facilities to spur initiatives that facilitate
284 commercialization of scientific or technological advancements
285 related to cancer research.

286 (a) Upon selection of a research chair the institution
287 shall notify the chair of the Appropriations Committee of the
288 Senate and the chair of the Appropriations Committee of the
289 House of Representatives. An institution funded pursuant to
290 this subsection shall provide to the Governor, the President of
291 the Senate, and the Speaker of the House of Representatives an
292 annual progress report by December 15 that must, at a minimum:

293 1. Describe the research program or institution receiving
294 the endowed chair funds;

295 2. Identify the endowed research chair's name;

Amendment No. 1

296 3. Indicate the amount of the endowment funds used for the
297 chair's salary;

298 4. State the endowment balance, expenditures, interest
299 rate, and interest earned;

300 5. Describe the general responsibilities of the researcher
301 who is to be selected for the endowed research chair;

302 6. Identify the percentage of time devoted to research and
303 research-related activities if the chair also serves as a member
304 of the faculty;

305 7. Describe the status of recruitment activities and
306 identify any barriers to attracting promising researchers to the
307 state;

308 8. Identify any federal or private grants or donations
309 generated as a result of the chair's efforts; and

310 9. Describe initiatives that spur the sharing of
311 knowledge, facilities, and resources and facilitate
312 commercialization of scientific or technological advancements
313 related to cancer research.

314 (b) If an institution must replace an endowed research
315 chair, the endowment must cease funding expenses associated with
316 the endowed research chair, other than reasonable costs for
317 recruitment, until a replacement chair has been retained. While
318 the endowed research chair is vacant, the endowment must
319 continue to earn interest and all earnings must be added to the
320 balance of the endowment. A vacancy tolls the 7-year timeframe
321 for the endowed research chair.

322 (6) The department shall submit a report relating to
323 grants awarded under the program to the Governor, the President

Amendment No. 1

324 of the Senate, and the Speaker of the House of Representatives
325 by December 15 each year. The report must include:

326 (a) A list of cancer research projects supported by grants
327 awarded under the program. For each listed research project, the
328 report must include:

329 1. The total amount granted to support the research
330 project and any amount of unobligated or unspent funds.

331 2. An itemization of all expenditures, including those for
332 salaries, equipment, and overhead.

333 3. Whether the research is ongoing or has been completed.

334 4. If the research has not been completed, the estimated
335 date of completion.

336 (b) A list of recipients of research grants. The report
337 must include, for each recipient, the amount awarded, the
338 intended use of the award, and a brief description of the
339 reasons why the recipient was chosen for the award.

340 Section 4. Paragraph (r) of subsection (4) of section
341 1004.435, Florida Statutes, is redesignated as paragraph (s),
342 and a new paragraph (r) is added to that subsection, to read:

343 1004.435 Cancer control and research.—

344 (4) FLORIDA CANCER CONTROL AND RESEARCH ADVISORY COUNCIL;
345 CREATION; COMPOSITION.—

346 (r) The council shall select, by majority vote, 7 members
347 of the council, who must combine with 6 members of the
348 Biomedical Research Advisory Council to form a joint committee
349 to develop performance measures, a rating system, a rating
350 standard, and an application form for the Cancer Center of
351 Excellence Award created in s. 381.925. The council shall also

Amendment No. 1

352 support the State Surgeon General in implementing the Cancer
353 Center of Excellence Award program by ensuring that at least
354 three members of the council, who must be independent of the
355 applicants for the award, are available to serve on the
356 evaluation team as requested by the State Surgeon General. The
357 council shall advise the State Surgeon General with respect to
358 the Cancer Center of Excellence Award program.

359 Section 5. This act shall take effect July 1, 2013.
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363 **T I T L E A M E N D M E N T**

364 Remove everything before the enacting clause and insert:
365 An act relating to quality cancer care and research; creating s.
366 381.925, F.S.; providing legislative intent and goals;
367 establishing a Cancer Center of Excellence Award for providers
368 that excel in providing cancer care and treatment in this state;
369 requiring the Florida Cancer Control and Research Advisory
370 Council and the Biomedical Research Advisory Council to each
371 select a certain number of members to form a joint committee to
372 develop and periodically update performance measures, a rating
373 system, and a rating standard in accordance with specified
374 criteria for applicants to qualify for the award; requiring
375 approval by both councils of the performance measures, rating
376 system, and rating standard developed by the joint committee;
377 providing minimum standards; prohibiting members of the joint
378 committee from being compensated, but authorizing reimbursement
379 for travel and other necessary expenses; authorizing a provider

Amendment No. 1

380 to apply to the Department of Health for the award; requiring
381 the joint committee to develop an application form; requiring
382 the department to conduct two application cycles each year;
383 specifying that ch. 120, F.S., does not apply to the
384 applications for or the award of the grant by the Surgeon
385 General; requiring the State Surgeon General to assemble an
386 evaluation team to assess applications; requiring each
387 application to be evaluated independently of any other
388 application; providing membership of and requirements for the
389 evaluation team; providing duties of the members of the
390 evaluation team; requiring the State Surgeon General to notify
391 the Governor of the providers that are to receive the award;
392 limiting the duration of the award; authorizing an award-winning
393 cancer provider to use the designation in its advertising and
394 marketing; providing that an award-winning cancer provider is
395 granted preference in competitive cancer care solicitations for
396 a specified period of time; requiring the State Surgeon General
397 to report to the Legislature by a specified date, and annually
398 thereafter, the status of implementing the award program;
399 requiring the Department of Health to adopt rules related to the
400 application cycles and submission of the application forms;
401 amending s. 215.5602, F.S.; revising the responsibilities of the
402 Biomedical Research Advisory Council with regard to the Cancer
403 Center of Excellence Award program; requiring the council to
404 submit additional information in an annual fiscal-year progress
405 report; requiring entities receiving an appropriation in the
406 General Appropriations Act to submit by a specific date to the
407 Legislature an annual fiscal-year progress report; amending s.

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 7153 (2013)

Amendment No. 1

408 381.922, F.S.; authorizing endowments, subject to an
409 appropriation, under the William G. "Bill" Bankhead, Jr., and
410 David Coley Cancer Research Program for establishing funded
411 research chairs at integrated research and care institutions who
412 hold an Cancer Center of Excellence Award; providing procedures
413 if the endowed chair becomes vacant; requiring that research
414 institutions report certain information regarding the selected
415 research chair of the endowment and other information about the
416 endowment; providing for qualifications of the chair; specifying
417 the use of the funds in the endowment; requiring the Department
418 of Health to submit an annual report relating to grants awarded
419 under the William G. "Bill" Bankhead, Jr., and David Coley
420 Cancer Research Program; amending s. 1004.435, F.S.; revising
421 the responsibilities of the Florida Cancer Control and Research
422 Advisory Council with regard to the Cancer Center of Excellence
423 Award program; providing an effective date.