

1 A bill to be entitled
2 An act relating to quality cancer care and research;
3 creating s. 381.925, F.S.; providing legislative
4 intent and goals; establishing a Cancer Center of
5 Excellence Award for providers that excel in providing
6 cancer care and treatment in this state; requiring the
7 Florida Cancer Control and Research Advisory Council
8 and the Biomedical Research Advisory Council to each
9 select a certain number of members to form a joint
10 committee to develop and periodically update
11 performance measures, a rating system, and a rating
12 standard in accordance with specified criteria for
13 applicants to qualify for the award; requiring
14 approval by both councils of the performance measures,
15 rating system, and rating standard developed by the
16 joint committee; providing minimum standards;
17 prohibiting members of the joint committee from being
18 compensated, but authorizing reimbursement for travel
19 and other necessary expenses; authorizing a provider
20 to apply to the Department of Health for the award;
21 requiring the joint committee to develop an
22 application form; requiring the department to conduct
23 two application cycles each year; specifying that ch.
24 120, F.S., does not apply to the applications for or
25 the award of the grant by the State Surgeon General;
26 requiring the State Surgeon General to assemble an
27 evaluation team to assess applications; requiring each
28 application to be evaluated independently of any other

29 application; providing membership of and requirements
30 for the evaluation team; providing duties of the
31 members of the evaluation team; requiring the State
32 Surgeon General to notify the Governor of the
33 providers that are to receive the award; limiting the
34 duration of the award; authorizing an award-winning
35 cancer provider to use the designation in its
36 advertising and marketing; providing that an award-
37 winning cancer provider is granted preference in
38 competitive cancer care solicitations for a specified
39 period of time; requiring the State Surgeon General to
40 report certain information to the Legislature by a
41 specified date and annually thereafter; requiring the
42 Department of Health to adopt rules related to the
43 application cycles and submission of the application
44 forms; amending s. 215.5602, F.S.; revising the
45 responsibilities of the Biomedical Research Advisory
46 Council with regard to the Cancer Center of Excellence
47 Award program; requiring the council to submit
48 additional information in an annual fiscal-year
49 progress report; requiring entities receiving an
50 appropriation in the General Appropriations Act to
51 submit an annual fiscal-year progress report to the
52 Legislature by a specified date; amending s. 381.922,
53 F.S.; authorizing endowments, subject to an
54 appropriation, under the William G. "Bill" Bankhead,
55 Jr., and David Coley Cancer Research Program for
56 establishing funded research chairs at integrated

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57 | research and care institutions; providing procedures
58 | if the endowed research chair becomes vacant;
59 | requiring that research institutions report certain
60 | information regarding the selected endowed research
61 | chair and other information about the endowment;
62 | providing for qualifications of the endowed research
63 | chair; specifying the use of the funds in the
64 | endowment; requiring the Department of Health to
65 | submit an annual report relating to grants awarded
66 | under the William G. "Bill" Bankhead, Jr., and David
67 | Coley Cancer Research Program; amending s. 1004.435,
68 | F.S.; revising the responsibilities of the Florida
69 | Cancer Control and Research Advisory Council with
70 | regard to the Cancer Center of Excellence Award
71 | program; providing an effective date.

72 |
73 | Be It Enacted by the Legislature of the State of Florida:

74 |
75 | Section 1. Section 381.925, Florida Statutes, is created
76 | to read:

77 | 381.925 Cancer Center of Excellence Award.—

78 | (1) The Legislature intends to recognize hospitals,
79 | treatment centers, and other providers in this state which
80 | demonstrate excellence in patient-centered coordinated care for
81 | persons undergoing cancer treatment and therapy in this state.
82 | The goal of this program is to encourage excellence in cancer
83 | care in this state, attract and retain the best cancer care
84 | providers to the state, and help Florida providers be recognized

85 nationally as a preferred destination for quality cancer care.
86 The Cancer Center of Excellence Award will recognize providers
87 that exceed service standards and excel in providing quality,
88 comprehensive, and patient-centered coordinated care.

89 (2) The Florida Cancer Control and Research Advisory
90 Council, established in s. 1004.435, and the Biomedical Research
91 Advisory Council, established in s. 215.5602, shall select seven
92 members and six members, respectively, to form a joint
93 committee.

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

95 1. By January 1, 2014, develop rigorous performance
96 measures, a rating system, and a rating standard that must be
97 achieved to document and distinguish a cancer center that excels
98 in providing quality, comprehensive, and patient-centered
99 coordinated care.

100 2. Review at least every 3 years, and revise if
101 applicable, the performance measures, rating system, and rating
102 standard to ensure providers are continually enhancing their
103 programs to reflect best practices and advances in cancer
104 treatment and care from the perspective of quality,
105 comprehensive and patient-centered coordinated care.

106 3. Submit its proposed performance measures, rating
107 system, and rating standard to the Florida Cancer Control and
108 Research Advisory Council and the Biomedical Research Advisory
109 Council to be approved by both councils prior to the evaluation
110 of any provider under such criteria.

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

114 1. Maintain a license in this state which authorizes
115 health care services to be provided. A provider may not have
116 been disciplined or subjected to any administrative enforcement
117 action by state or federal regulatory authorities within the
118 preceding 3 years.

119 2. Be accredited by the Commission on Cancer of the
120 American College of Surgeons.

121 3. Actively participate in at least one regional cancer
122 control collaborative that is operating pursuant to the Florida
123 Comprehensive Cancer Control Program's cooperative agreement
124 with the Centers for Disease Control and Prevention's National
125 Comprehensive Cancer Control Program.

126 4. Demonstrate excellence in and dissemination of
127 scientifically rigorous cancer research.

128 5. Integrate training and education of biomedical
129 researchers and health care professionals.

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

132 a. Coordination of care by cancer specialists and nursing
133 and allied health professionals.

134 b. Psychosocial assessment and services.

135 c. Suitable and timely referrals and followup.

136 d. Providing accurate and complete information on
137 treatment options, including clinical trials, which consider
138 each person's needs, preferences, and resources, whether

139 provided by that center or available through other health care
140 providers.

141 e. Participation in a comprehensive network of cancer
142 specialists of multiple disciplines, which enables the patient
143 to consult with a variety of experts to examine treatment
144 alternatives.

145 f. Family services and support.

146 g. Aftercare and survivor services.

147 h. Patient and family satisfaction survey results.

148 (c) The members of the joint committee shall serve without
149 compensation but may receive reimbursement as provided in s.
150 112.061 for travel and other necessary expenses incurred in the
151 performance of their official duties.

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

155 (3) (a) A provider may apply to the Department of Health
156 for a Cancer Center of Excellence Award. The joint committee
157 must develop an application form to be used by the Department of
158 Health that requires, among other things, submission of
159 documentation by the provider which demonstrates that the
160 criteria in subsection (2) have been met.

161 (b) After January 1, 2014, the Department of Health shall
162 annually conduct two application cycles. The applications are
163 not applications for licensure, the grant of the award by the
164 State Surgeon General is not final agency action, and the Cancer
165 Center of Excellence Award program is not subject to the
166 provisions of chapter 120.

167 (4) (a) The State Surgeon General shall appoint a team of
168 independent evaluators to assess applicants to determine
169 eligibility for the award. An application is to be evaluated
170 independently of any other application. The team shall consist
171 of five evaluators to be selected, in any combination, from the
172 following:

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

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

178 3. No more than two members from the Biomedical Research
179 and Advisory Council; and

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

184 (b) Each evaluator must be independent and free of any
185 conflict of interest with respect to a health care provider or
186 facility licensed in this state. Each person selected to
187 participate on the evaluation team must sign a conflict of
188 interest attestation before being appointed to the evaluation
189 team.

190 (5) (a) Two evaluation team members may, as necessary,
191 conduct an onsite evaluation to verify submitted application
192 documentation.

193 (b) Each member on the evaluation team shall report to the
194 State Surgeon General those applicants that achieved or exceeded

195 the required score based on the rating system developed in
196 subsection (2) which demonstrates the cancer center excels in
197 providing quality, comprehensive, and patient-centered
198 coordinated care.

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

203 (6) The State Surgeon General shall notify the Governor of
204 which providers have been granted the Cancer Center of
205 Excellence Award by the State Surgeon General.

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

209 (8) A provider that receives a Cancer Center of Excellence
210 Award may use the designation in its advertising and marketing
211 for up to 3 years after the date of the award. In addition, a
212 provider that receives a Cancer Center of Excellence Award may
213 be granted, for 3 years after the date of the award, a
214 preference in competitive solicitations related to cancer care
215 or research undertaken by a state agency or state university.

216 (9) The State Surgeon General shall report to the
217 President of the Senate and the Speaker of the House of
218 Representatives by January 31, 2014, the status of implementing
219 the Cancer Center of Excellence Award program, and by December
220 15 annually thereafter, the number of applications received, the
221 number of award recipients by application cycle, a list of award
222 recipients, and recommendations to strengthen the program.

223 (10) The Department of Health shall adopt necessary rules
224 related to the application cycles and submission of the
225 application form.

226 Section 2. Paragraph (j) is added to subsection (4) of
227 section 215.5602, Florida Statutes, and paragraphs (a) and (b)
228 of subsection (10) and subsection (12) are amended, to read:

229 215.5602 James and Esther King Biomedical Research
230 Program.—

231 (4) The council shall advise the State Surgeon General as
232 to the direction and scope of the biomedical research program.
233 The responsibilities of the council may include, but are not
234 limited to:

235 (j) The council shall select, by majority vote, six
236 members of the council who must combine with seven members of
237 the Florida Cancer Control and Research Advisory Council to form
238 a joint committee to develop performance measures, a rating
239 system, a rating standard, and an application form for the
240 Cancer Center of Excellence Award created in s. 381.925. The
241 council shall also support the State Surgeon General in
242 implementing the award program by ensuring that at least two
243 members of the council, who must be independent of the
244 applicants for the award, are available to serve on the
245 evaluation team as requested by the State Surgeon General. The
246 council shall advise the State Surgeon General with respect to
247 the Cancer Center of Excellence Award program.

248 (10) The council shall submit a fiscal-year progress
249 report on the programs under its purview to the Governor, the
250 State Surgeon General, the President of the Senate, and the

251 Speaker of the House of Representatives by December 15. The
 252 report must include:

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

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

258 2. An itemization of all expenditures, including those for
 259 salaries, equipment, and overhead.

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

261 4. If the research has not been completed, the estimated
 262 date of completion.

263 (b) A list of recipients of program grants or fellowships.
 264 For each listed recipient, the report must include the amount
 265 awarded, the intended use of the award, and a brief description
 266 of the reasons why the recipient was chosen for the award.

267 (12) (a) Beginning in the 2011-2012 fiscal year and
 268 thereafter, \$25 million from the revenue deposited into the
 269 Health Care Trust Fund pursuant to ss. 210.011(9) and 210.276(7)
 270 shall be reserved for research of tobacco-related or cancer-
 271 related illnesses. Of the revenue deposited in the Health Care
 272 Trust Fund pursuant to this section, \$25 million shall be
 273 transferred to the Biomedical Research Trust Fund within the
 274 Department of Health. Subject to annual appropriations in the
 275 General Appropriations Act, \$5 million shall be appropriated to
 276 the James and Esther King Biomedical Research Program, \$5
 277 million shall be appropriated to the William G. "Bill" Bankhead,

278 | Jr., and David Coley Cancer Research Program created under s.
 279 | 381.922.

280 | (b) Subject to annual appropriations in the General
 281 | Appropriations Act, \$5 million shall be appropriated to the H.
 282 | Lee Moffitt Cancer Center and Research Institute established
 283 | under s. 1004.43, \$5 million shall be appropriated to the
 284 | Sylvester Comprehensive Cancer Center of the University of
 285 | Miami, and \$5 million shall be appropriated to the Shands Cancer
 286 | Hospital.

287 | (c) Beginning July 1, 2014, funds appropriated to entities
 288 | listed in paragraph (b) and any other entity that performs or is
 289 | associated with cancer research or care that receives a specific
 290 | appropriation for biomedical research, research-related
 291 | functions, operations or other supportive functions, or
 292 | expansion of operations in the General Appropriations Act must
 293 | submit an annual fiscal-year progress report to the President of
 294 | the Senate and the Speaker of the House of Representatives by
 295 | December 15. The report must:

296 | 1. Contain an itemization of all expenditures.

297 | 2. Identify the amount of unobligated or unspent funds
 298 | appropriated, if any.

299 | 3. Include a report from an independent audit of receipts
 300 | and payments of the state funds, which audit may be funded by a
 301 | portion of the appropriation.

302 | 4. Specify the research, if any, funded by the
 303 | appropriation, as well as the expected and actual results of
 304 | such research.

305 5. Describe any fixed capital outlay project funded by the
306 appropriation, the need for the project, how the project will be
307 utilized, and the timeline for and status of the project, if
308 applicable.

309 6. Include the job description, annual salary and
310 benefits, and performance reviews of all funded staff positions,
311 if applicable.

312 7. Identify any federal or private grants or donations
313 generated as a result of the appropriation or activities funded
314 by the appropriation.

315 8. Include an assessment of the direct and indirect
316 economic impact of the appropriation, including a description of
317 the contribution of research funded by the appropriation to
318 scientific or technological advancement, and including the
319 economic impact of any federal and private grants or donations
320 generated as a result of the appropriation or activities funded
321 by the appropriation.

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

325 381.922 William G. "Bill" Bankhead, Jr., and David Coley
326 Cancer Research Program.—

327 (4) In order to attract and retain experienced research
328 talent and attendant national grant-producing researchers to
329 integrated cancer research and care institutions in this state,
330 the Department of Health may award only one endowment per
331 integrated cancer research and care institution that applies, on
332 a form developed by the department, for an endowed research

333 | chair grant. The endowment for the research chair is subject to
334 | a specific appropriation for this purpose in the General
335 | Appropriations Act. The funds used for such purpose must be
336 | independent of funds appropriated pursuant to s. 215.5602(12). A
337 | recipient of endowed research chair funds is required to place
338 | the funds in an interest-bearing account and the interest must
339 | be added to the principal balance of the endowment. The
340 | endowments are to be used to provide secure funding for research
341 | chairs for at least 7 years and to attract experienced and
342 | promising researchers whose continued employment for this period
343 | is not contingent upon grant awards associated with time-limited
344 | research projects. In addition, the Legislature intends for the
345 | research chairs to specialize in a cancer-related research field
346 | that will facilitate coordination among research institutions
347 | within the state, attract other promising researchers and
348 | funding to the state, and assist in the sharing of knowledge,
349 | resources, and facilities to spur initiatives that facilitate
350 | commercialization of scientific or technological advancements
351 | related to cancer research.

352 | (a) Upon selection of an endowed research chair, the
353 | institution shall notify the chairs of the appropriations
354 | committees of the Senate and the House of Representatives. An
355 | institution funded pursuant to this subsection shall provide to
356 | the Governor, the President of the Senate, and the Speaker of
357 | the House of Representatives an annual progress report by
358 | December 15 that must, at a minimum:

359 | 1. Describe the research program or institution receiving
360 | the endowed research chair funds.

- 361 2. Identify the endowed research chair's name.
- 362 3. Indicate the amount of the endowment funds used for the
363 chair's salary.
- 364 4. State the endowment balance, expenditures, interest
365 rate, and interest earned.
- 366 5. Describe the general responsibilities of the researcher
367 who is to be selected for the endowed research chair.
- 368 6. Identify the percentage of time devoted to research and
369 research-related activities if the endowed research chair also
370 serves as a member of the faculty.
- 371 7. Describe the status of recruitment activities and
372 identify any barriers to attracting promising researchers to the
373 state.
- 374 8. Identify any federal or private grants or donations
375 generated as a result of the endowed research chair's efforts.
- 376 9. Describe initiatives that spur the sharing of
377 knowledge, facilities, and resources and facilitate
378 commercialization of scientific or technological advancements
379 related to cancer research.
- 380 (b) If an institution must replace an endowed research
381 chair, the endowment must cease funding expenses associated with
382 the endowed research chair, other than reasonable costs for
383 recruitment, until a replacement chair has been retained. While
384 the endowed research chair is vacant, the endowment must
385 continue to earn interest and all earnings must be added to the
386 balance of the endowment. A vacancy tolls the 7-year timeframe
387 for the endowed research chair.

388 (6) The department shall submit a report relating to
389 grants awarded under the program to the Governor, the President
390 of the Senate, and the Speaker of the House of Representatives
391 by December 15 each year. The report must include:

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

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

397 2. An itemization of all expenditures, including those for
398 salaries, equipment, and overhead.

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

400 4. If the research has not been completed, the estimated
401 date of completion.

402 (b) A list of recipients of research grants. For each
403 listed recipient, the report must include the amount awarded,
404 the intended use of the award, and a brief description of the
405 reasons why the recipient was chosen for the award.

406 Section 4. Paragraph (r) of subsection (4) of section
407 1004.435, Florida Statutes, is redesignated as paragraph (s),
408 and a new paragraph (r) is added to that subsection to read:

409 1004.435 Cancer control and research.—

410 (4) FLORIDA CANCER CONTROL AND RESEARCH ADVISORY COUNCIL;
411 CREATION; COMPOSITION.—

412 (r) The council shall select, by majority vote, seven
413 members of the council who must combine with six members of the
414 Biomedical Research Advisory Council to form a joint committee
415 to develop performance measures, a rating system, a rating

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416 | standard, and an application form for the Cancer Center of
417 | Excellence Award created in s. 381.925. The council shall also
418 | support the State Surgeon General in implementing the Cancer
419 | Center of Excellence Award program by ensuring that at least
420 | three members of the council, who must be independent of the
421 | applicants for the award, are available to serve on the
422 | evaluation team as requested by the State Surgeon General. The
423 | council shall advise the State Surgeon General with respect to
424 | the Cancer Center of Excellence Award program.

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