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HB 5203, Engrossed 1

2014 Legislature

1
2 An act relating to cancer centers; amending s. 20.435,
3 F.S.; authorizing funds in the Biomedical Research
4 Trust Fund to be used for the Florida Consortium of
5 National Cancer Institute Centers Program; amending s.
6 215.5602, F.S.; revising the distribution of certain
7 funds deposited into the Biomedical Research Trust
8 Fund; creating s. 381.915, F.S.; providing a short
9 title; establishing the Florida Consortium of National
10 Cancer Institute Centers Program; providing purpose;
11 requiring the Department of Health to distribute
12 funding to certain cancer centers; providing a formula
13 for determination of allocations; providing
14 definitions; providing criteria for designation of
15 tiers for cancer centers; requiring reports; providing
16 that funding is subject to annual appropriation;
17 providing rulemaking authority; providing an effective
18 date.

19
20 Be It Enacted by the Legislature of the State of Florida:

21
22 Section 1. Paragraph (a) of subsection (8) of section
23 20.435, Florida Statutes, is amended to read:

24 20.435 Department of Health; trust funds.—The following
25 trust funds shall be administered by the Department of Health:



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26 (8) Biomedical Research Trust Fund.

27 (a) Funds to be credited to the trust fund shall consist
28 of funds deposited pursuant to s. 215.5601 and any other funds
29 appropriated by the Legislature. Funds shall be used for the
30 purposes of the James and Esther King Biomedical Research
31 Program, the Florida Consortium of National Cancer Institute
32 Centers Program, and the William G. "Bill" Bankhead, Jr., and
33 David Coley Cancer Research Program as specified in ss.
34 215.5602, 288.955, 381.915, and 381.922. The trust fund is
35 exempt from the service charges imposed by s. 215.20.

36 Section 2. Paragraph (a) of subsection (12) of section
37 215.5602, Florida Statutes, is amended to read:

38 215.5602 James and Esther King Biomedical Research
39 Program.—

40 (12) (a) Beginning in the 2011-2012 fiscal year and
41 thereafter, \$25 million from the revenue deposited into the
42 Health Care Trust Fund pursuant to ss. 210.011(9) and 210.276(7)
43 shall be reserved for research of tobacco-related or cancer-
44 related illnesses. Of the revenue deposited in the Health Care
45 Trust Fund pursuant to this section, \$25 million shall be
46 transferred to the Biomedical Research Trust Fund within the
47 Department of Health. Subject to annual appropriations in the
48 General Appropriations Act, \$5 million shall be appropriated to
49 the James and Esther King Biomedical Research Program, \$5
50 million shall be appropriated to the William G. "Bill" Bankhead,



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51 Jr., and David Coley Cancer Research Program created under s.
52 381.922, ~~\$5 million shall be appropriated to the H. Lee Moffitt~~
53 ~~Cancer Center and Research Institute established under s.~~
54 ~~1004.43, \$5 million shall be appropriated to the Sylvester~~
55 ~~Comprehensive Cancer Center of the University of Miami, and \$5~~
56 ~~million shall be appropriated to the Shands Cancer Hospital.~~

57 Section 3. Section 381.915, Florida Statutes, is created
58 to read:

59 381.915 Florida Consortium of National Cancer Institute
60 Centers Program.—

61 (1) This section may be cited as the "Florida NCI Cancer
62 Centers Act."

63 (2) The Florida Consortium of National Cancer Institute
64 Centers Program is established to enhance the quality and
65 competitiveness of cancer care in this state, further a
66 statewide biomedical research strategy directly responsive to
67 the health needs of Florida's citizens, and capitalize on the
68 potential educational opportunities available to its students.
69 The department shall make payments to Florida-based cancer
70 centers recognized by the National Cancer Institute (NCI) at the
71 National Institutes of Health as NCI-designated cancer centers
72 or NCI-designated comprehensive cancer centers, and cancer
73 centers working toward achieving NCI designation. The department
74 shall distribute funds to participating cancer centers on a
75 quarterly basis during each fiscal year for which an



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76 appropriation is made.

77 (3) On or before September 15 of each year, the department
78 shall calculate an allocation fraction to be used for
79 distributing funds to participating cancer centers. On or before
80 the final business day of each quarter of the state fiscal year,
81 the department shall distribute to each participating cancer
82 center one-fourth of that cancer center's annual allocation
83 calculated under subsection (6). The allocation fraction for
84 each participating cancer center is based on the cancer center's
85 tier-designated weight under subsection (4) multiplied by each
86 of the following allocation factors: number of reportable cases,
87 peer-review costs, and biomedical education and training. As
88 used in this section, the term:

89 (a) "Biomedical education and training" means instruction
90 that is offered to a student who is enrolled in a biomedical
91 research program at an affiliated university as a medical
92 student or a student in a master's or doctoral degree program,
93 or who is a resident physician trainee or postdoctoral trainee
94 in such program. An affiliated university biomedical research
95 program must be accredited or approved by a nationally
96 recognized agency and offered through an institution accredited
97 by the Commission on Colleges of the Southern Association of
98 Colleges and Schools. Full-time equivalency for trainees shall
99 be prorated for training received in oncologic sciences and
100 oncologic medicine.



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101 (b) "Cancer center" means a freestanding center, a center
102 situated within an academic institution, or a formal research-
103 based consortium under centralized leadership that has achieved
104 NCI designation or is prepared to achieve NCI designation by
105 July 1, 2019.

106 (c) "Florida-based" means that a cancer center's actual or
107 sought designated status is or would be recognized by the NCI as
108 primarily located in Florida and not in another state.

109 (d) "Peer-review costs" means the total annual direct
110 costs for peer-reviewed cancer-related research projects,
111 consistent with reporting guidelines provided by the NCI, for
112 the most recent annual reporting period available.

113 (e) "Reportable cases" means cases of cancer in which a
114 cancer center is involved in the diagnosis, evaluation of the
115 diagnosis, evaluation of the extent of cancer spread at the time
116 of diagnosis, or administration of all or any part of the first
117 course of therapy for the most recent annual reporting period
118 available. Cases relating to patients enrolled in institutional
119 or investigator-initiated interventional clinical trials shall
120 be weighted at 1.2 relative to other cases weighted at 1.0.
121 Determination of institutional or investigator-initiated
122 interventional clinical trials must be consistent with reporting
123 guidelines provided by the NCI.

124 (4) Tier designations and corresponding weights within the
125 Florida Consortium of National Cancer Institute Centers Program



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126 are as follows:

127 (a) Tier 1: Florida-based NCI-designated comprehensive
128 cancer centers, which shall be weighted at 1.5.

129 (b) Tier 2: Florida-based NCI-designated cancer centers,
130 which shall be weighted at 1.25.

131 (c) Tier 3: Florida-based cancer centers seeking
132 designation as either a NCI-designated cancer center or NCI-
133 designated comprehensive cancer center, which shall be weighted
134 at 1.0.

135 1. A cancer center shall meet the following minimum
136 criteria to be considered eligible for Tier 3 designation in any
137 given fiscal year:

138 a. Conducting cancer-related basic scientific research and
139 cancer-related population scientific research;

140 b. Offering and providing the full range of diagnostic and
141 treatment services on site, as determined by the Commission on
142 Cancer of the American College of Surgeons;

143 c. Hosting or conducting cancer-related interventional
144 clinical trials that are registered with the NCI's Clinical
145 Trials Reporting Program;

146 d. Offering degree-granting programs or affiliating with
147 universities through degree-granting programs accredited or
148 approved by a nationally recognized agency and offered through
149 the center or through the center in conjunction with another
150 institution accredited by the Commission on Colleges of the



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151 Southern Association of Colleges and Schools;
152 e. Providing training to clinical trainees, medical
153 trainees accredited by the Accreditation Council for Graduate
154 Medical Education or the American Osteopathic Association, and
155 postdoctoral fellows recently awarded a doctorate degree; and
156 f. Having more than \$5 million in annual direct costs
157 associated with their total NCI peer-reviewed grant funding.
158 2. The General Appropriations Act or accompanying
159 legislation may limit the number of cancer centers which shall
160 receive Tier 3 designations or provide additional criteria for
161 such designation.
162 3. A cancer center's participation in Tier 3 shall be
163 limited to 5 years.
164 4. A cancer center that qualifies as a designated Tier 3
165 center under the criteria provided in subparagraph 1. by July,
166 1, 2014, is authorized to pursue NCI designation as a cancer
167 center or a comprehensive cancer center for 5 years after
168 qualification.
169 (5) The department shall use the following formula to
170 calculate a participating cancer center's allocation fraction:
171
172 $CAF = [0.4 \times (CRC \div TCRC)] + [0.3 \times (CPC \div TCPC)] + [0.3 \times (CBE \div TCBE)]$
173
174 Where:
175 CAF=A cancer center's allocation fraction.



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176 CRC=A cancer center's tier-weighted reportable cases.

177 TCRC=The total tier-weighted reportable cases for all
178 cancer centers.

179 CPC=A cancer center's tier-weighted peer-review costs.

180 TCPC=The total tier-weighted peer-review costs for all
181 cancer centers.

182 CBE=A cancer center's tier-weighted biomedical education
183 and training.

184 TCBE=The total tier-weighted biomedical education and
185 training for all cancer centers.

186

187 (6) A cancer center's annual allocation shall be
188 calculated by multiplying the funds appropriated for the Florida
189 Consortium of National Cancer Institute Centers Program in the
190 General Appropriations Act by that cancer center's allocation
191 fraction. If the calculation results in an annual allocation
192 that is less than \$16 million, that cancer center's annual
193 allocation shall be increased to a sum equaling \$16 million,
194 with the additional funds being provided proportionally from the
195 annual allocations calculated for the other participating cancer
196 centers.

197 (7) Beginning July 1, 2017, and every 3 years thereafter,
198 the department, in conjunction with participating cancer
199 centers, shall submit a report to the Cancer Control and
200 Research Advisory Council on specific metrics relating to cancer



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201 mortality and external funding for cancer-related research in
202 the state. If a cancer center does not endorse this report or
203 produce an equivalent independent report, the cancer center
204 shall be suspended from the program for 1 year. The report must
205 include:

206 (a) An analysis of trending age-adjusted cancer mortality
207 rates in the state, which must include, at a minimum, overall
208 age-adjusted mortality rates for cancer statewide and age-
209 adjusted mortality rates by age group, geographic region, and
210 type of cancer, which must include, at a minimum:

- 211 1. Lung cancer.
- 212 2. Pancreatic cancer.
- 213 3. Sarcoma.
- 214 4. Melanoma.
- 215 5. Leukemia and myelodysplastic syndromes.
- 216 6. Brain cancer.

217 (b) Identification of trends in overall federal funding,
218 broken down by institutional source, for cancer-related research
219 in the state.

220 (c) A list and narrative description of collaborative
221 grants and interinstitutional collaboration among participating
222 cancer centers, a comparison of collaborative grants in
223 proportion to the grant totals for each cancer center, a
224 catalogue of retreats and progress seed grants using state
225 funds, and targets for collaboration in the future and reports



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226 | on progress regarding such targets where appropriate.

227 | (8) This section is subject to annual appropriation by the
228 | Legislature.

229 | (9) The department may adopt rules to administer this
230 | section.

231 | Section 4. This act shall take effect July 1, 2014.