

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Committee on Appropriations

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BILL: PCS/SB 734 (951274)

INTRODUCER: Appropriations Committee (Recommended by Appropriations Subcommittee on Health and Human Services) and Senators Sobel and Abruzzo

SUBJECT: Cancer Control and Research

DATE: April 21, 2014

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Looke</u>	<u>Stovall</u>	<u>HP</u>	<u>Favorable</u>
2.	<u>Brown/Loe</u>	<u>Pigott</u>	<u>AHS</u>	<u>Fav/CS</u>
3.	<u>Brown/Loe</u>	<u>Kynoch</u>	<u>AP</u>	<u>Pre-meeting</u>

**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 734 reduces the number of members of the Cancer Control and Research Advisory Council (CCRAB) from 35 to 15 and revises which organizations are represented on the CCRAB, as well as how CCRAB members and the chairperson of the CCRAB are appointed. The bill also revises the duties of the CCRAB by eliminating the CCRAB's responsibility for recommending the awarding of grants and contracts to private entities and government agencies for cancer control, prevention, education, or research. The bill requires the CCRAB to recommend to the state surgeon general a statewide research plan.

The bill has no fiscal impact.

**II. Present Situation:**

The Florida Cancer Control and Research Advisory Council was established by the Legislature in 1979 to advise the Legislature, governor, and state surgeon general on how to reduce the cancer burden in Florida.<sup>1</sup> The CCRAB is housed within the H. Lee Moffitt Cancer Center and Research Institute, Inc. (Moffitt).<sup>2</sup> The CCRAB:

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<sup>1</sup> Florida Cancer Control and Research Advisory Council, *What is CCRAB?*, found at <http://www.ccrab.org/>, last visited on March 7, 2014.

<sup>2</sup> See s. 1004.435(4), F.S.

- Advises the Board of Governors, the state surgeon general, and the Legislature on cancer control and research in Florida;
- Annually approves the Florida Cancer Plan;
- Provides recommendations for the Florida Cancer Plan to include the coordination and integration of plans concerned with cancer control and research provided by other stakeholders;
- Formulates and recommends to the state surgeon general:
  - A plan for the care and treatment of persons suffering from cancer,
  - Standard requirements for organization, equipment, and conduct of cancer units or departments in hospitals and clinics, and
  - The designation of cancer units following a survey of needs and facilities for treatment of cancer throughout the state;
- Recommends grant awards and contracts to qualified recipients;<sup>3</sup>
- Develops educational materials and programs; and
- Recommends rules and methods of implementing or enforcing laws concerned with cancer control, research, and education.

The CCRAB consists of 35 members, including appointees by the speaker of the House of Representatives, the president of the Senate, the governor, and other persons. Members represent:

- American Cancer Society,
- Florida Tumor Registrars Association,
- Sylvester Comprehensive Cancer Center of the University of Miami,
- Department of Health (DOH),
- University of Florida Shands Cancer Center,
- Agency for Health Care Administration,
- Florida Nurses Association,
- Florida Osteopathic Medical Association,
- American College of Surgeons,
- School of Medicine of the University of Miami,
- College of Medicine of the University of Florida,
- Nova Southeastern University College of Osteopathic Medicine,
- College of Medicine of the University of South Florida,
- College of Public Health of the University of South Florida,
- Florida Society of Clinical Oncology,
- Florida Obstetric and Gynecologic Society,
- Florida Ovarian Cancer Alliance Speaks,
- Florida Medical Association,
- Florida Pediatric Society,
- Florida Radiological Society,
- Florida Society of Pathologists,
- Moffitt,

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<sup>3</sup> According to a phone conversation with Susan Fleming at the DOH on Mar. 10, 2014, the Florida Cancer Control Research Fund, from which the council was supposed to grant the awards and contracts, was never implemented or funded.

- Florida Dental Association,
- Florida Hospital Association,
- Association of Community Cancer Centers,
- Statutory teaching hospitals,<sup>4</sup>
- Florida Association of Pediatric Tumor Programs, Inc.,
- Cancer Information Services,
- Florida Agricultural and Mechanical University Institute of Public Health,
- Florida Society of Oncology Social Workers, and
- Consumer advocates from the general public.

In 2013, the Legislature passed 2013-50, L.O.F., which created the Cancer Center of Excellence Award and amended s. 1004.435(4), F.S., to require the CCRAB, along with the Biomedical Research Advisory Council (BRAC), to develop performance measures, a rating system, a rating standard, and an application for the Cancer Center of Excellence Award. The CCRAB is required to select by majority vote seven members to form a joint committee with six members of the BRAC in order to implement the Cancer Center of Excellence Award.

### **The Florida Cancer Control and Research Fund**

The Florida Cancer Control and Research Fund is not an official trust fund of the state of Florida. The fund was created by ch. 2002-387, L.O.F., and is authorized to consist of appropriations from the General Revenue Fund and any gifts, grants, or funds received from other sources. The fund is statutorily required to be used exclusively for grants and contracts to qualified non-profit associations of governmental agencies for the purpose of cancer control and prevention, cancer education and training, cancer research, and all expenses incurred in connection with the administration of s. 1004.435, F.S., and programs funded through grants and contracts authorized by the Board of Education or the state surgeon general.<sup>5</sup>

The General Appropriations Act has never contained an appropriation for the Florida Cancer Control and Research Fund since the fund was created in 2002.

### **III. Effect of Proposed Changes:**

**Section 1** of the bill amends s. 1004.435, F.S., to revise the membership of the CCRAB and reduce its membership from 35 to 15 members<sup>6</sup> consisting of:

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<sup>4</sup> See s. 408.07(45), F.S. "Teaching hospital" means any Florida hospital officially affiliated with an accredited Florida medical school which participates in graduate medical education as reflected by at least seven different graduate medical education programs accredited by the Accreditation Council for Graduate Medical Education or the Council on Postdoctoral Training of the American Osteopathic Association and the presence of 100 or more full-time equivalent resident physicians.

<sup>5</sup> See s. 1004.435(6), F.S.

<sup>6</sup> Organizations that are no longer included in council membership include: The Florida Tumor Registration Association, the Agency for Health Care Administration, the American College of Surgeons, the University of Miami College of Medicine, the University of Florida College of Medicine, the NOVA Southeastern College of Osteopathic Medicine, the University of South Florida College of Public Health, the Florida Society of Clinical Oncology, the Florida Obstetric and Gynecologic Society, the Florida Ovarian Cancer Alliance Speaks organization, the Florida Pediatric Society, the Florida Radiological Society, the Florida Society of Pathologists, the Florida Dental Association, the Association of Community Cancer Centers, the Florida Association of Pediatric Tumor Programs, Inc., a statutory teaching hospital affiliated with a community-based

- One member appointed by the state surgeon general;
- One member appointed by the chief executive officer (CEO), or the CEO's designee, from each of the following institutions:
  - The American Cancer Society;
  - The Sylvester Comprehensive Cancer Center of the University of Miami;
  - The University of Florida Shands Cancer Center;
  - The Florida Nurses Association who specializes in the field of oncology and is not from an institution or organization already represented on the CCRAB;
  - The Florida Osteopathic Medical Association who specializes in the field of oncology;
  - The Florida Medical Association (FMA) who is a member of the FMA, specializes in the field of oncology, and represents a cancer center not already represented on the CCRAB;
  - The H. Lee Moffitt Cancer Center and Research Institute;
  - The Florida Hospital Association (FHA) who specializes in the field of oncology, is a member of the FHA, and represents a comprehensive cancer center not already represented on the CCRAB; and
  - The Association of Community Cancer Centers.
- One member, appointed by the governor, who specializes in pediatric oncology;
- One member, appointed by the president of the Senate, who specializes in oncology clinical care and research;
- One member, appointed by the speaker of the House of Representatives, who is a current or former cancer patient or caregiver;
- One member of the House of Representatives appointed by the speaker of the House of Representatives; and,
- One member of the Senate, appointed by the president of the Senate.

Regarding CCRAB membership, the bill also provides that:

- At least four members must be minority persons;<sup>7</sup>
- A member's term is four years with the option of reappointment;
- Members of the CCRAB select the chairperson;
- Eight members constitute a quorum; and
- The institution that a member represents may reimburse that member for travel expenses, or if a member does not represent an institution, then Moffitt is required to reimburse that member for travel expenses.

The bill renames the "Florida Cancer Plan" that the CCRAB is required to approve each year, consisting of a program for cancer control and research, as the "Florida Cancer Control and Research Plan."

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cancer center, the Cancer Information Service, the Florida Agricultural and Mechanical University Institute of Public Health, and the Florida Society of Oncology Social Workers.

<sup>7</sup> Defined in s. 288.703, F.S., to mean a lawful, permanent resident of Florida who is an African American, a person having origins in any of the black racial groups of the African Diaspora, regardless of cultural origin; a Hispanic American, a person of Spanish or Portuguese culture with origins in Spain, Portugal, Mexico, South America, Central America, or the Caribbean, regardless of race; an Asian American, a person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian Subcontinent, or the Pacific Islands, including the Hawaiian Islands before 1778; a Native American, a person who has origins in any of the Indian Tribes of North America before 1835, upon presentation of proper documentation thereof as established by rule of the Department of Management Services; or, an American woman.

The bill requires that the CCRAB must collaborate with the Florida Biomedical Research Advisory Council to annually recommend to the state surgeon general a statewide research plan, in addition to the plan for the care and treatment of persons suffering from cancer that is required of the CCRAB under current law. The latter plan is named the “Florida Cancer Treatment Plan” under the bill.

The bill removes from statute:

- Requirements for the CCRAB to recommend the awarding of grants and contracts to qualified associations or government agencies;
- The CCRAB’s duty to create summaries of the treatment options available to persons suffering from breast and prostate cancer;
- The authorization for the DOH to furnish financial aid to Florida citizens who are afflicted with cancer; and
- The Florida Cancer Control and Research Fund.

**Sections 2 and 3** of the bill amend ss. 458.324 and 459.0125, F.S., to conform those sections to the changes made in Section 1 of the bill relating to summaries of treatment alternatives and to make other technical revisions.

**Section 4** of the bill provides an effective date of July 1, 2014.

#### **IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

#### **V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Under PCS/SB 734, organizations represented on the CCRAB may be required to pay their representative’s travel expenses under the provisions of ss. 1004.435(4)(e) and 112.061, F.S.

C. **Government Sector Impact:**

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

In delineating the membership of the CCRAB, the bill indicates one member must be a member of the Florida Medical Association who represents a cancer center not already represented on the CCRAB. The bill also indicates one member must be a member of the Florida Hospital Association who represents a comprehensive cancer center not already represented on the CCRAB. The bill does not specify what differentiates a “cancer center” from a “comprehensive cancer center,” and that differentiation is also not found under current law in s. 1004.435, F.S.

The bill’s intent is not clear regarding the requirement that one CCRAB member be a “member of the Florida Hospital Association” (FHA). The FHA’s membership is not composed of individual persons. Organizations such as hospitals and health systems constitute the membership of the FHA.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 458.324, 459.0125, and 1004.435.

**IX. Additional Information:**

A. **Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

**Recommended CS by Appropriations Subcommittee on Health and Human Services on April 2, 2014:**

The CS:

- Provides additional requirements for members of the CCRAB who represent the Florida Nurses Association, the Florida Medical Association, and the Florida Hospital Association;
- Renames the Florida Cancer Plan as the Florida Cancer Control and Research Plan;
- Requires the CCRAB to collaborate with the Florida Biomedical Research Advisory Council to recommend to the state surgeon general a statewide research plan; and
- Requires that the statewide research plan must be reviewed and recommended annually.

B. **Amendments:**

None.

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This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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