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1
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

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

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59 selected endowed research chair and other information
60 about the endowment; providing for qualifications of
61 the endowed research chair; specifying the use of the
62 funds in the endowment; amending s. 1004.435, F.S.;
63 revising the responsibilities of the Florida Cancer
64 Control and Research Advisory Council with regard to
65 the Cancer Center of Excellence Award program;
66 providing an effective date.

67
68 Be It Enacted by the Legislature of the State of Florida:

69
70 Section 1. Section 381.925, Florida Statutes, is created to
71 read:

72 381.925 Cancer Center of Excellence Award.—

73 (1) The Legislature intends to recognize hospitals,
74 treatment centers, and other providers in this state which
75 demonstrate excellence in patient-centered coordinated care for
76 persons undergoing cancer treatment and therapy in this state.
77 The goal of this program is to encourage excellence in cancer
78 care in this state, attract and retain the best cancer care
79 providers to the state, and help Florida providers be recognized
80 nationally as a preferred destination for quality cancer care.
81 The Cancer Center of Excellence Award will recognize providers
82 that exceed service standards and excel in providing quality,
83 comprehensive, and patient-centered coordinated care.

84 (2) The Florida Cancer Control and Research Advisory
85 Council, established in s. 1004.435, and the Biomedical Research
86 Advisory Council, established in s. 215.5602, shall select seven
87 members and six members, respectively, to form a joint

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88 committee.

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

90 1. By January 1, 2014, develop rigorous performance
91 measures, a rating system, and a rating standard that must be
92 achieved to document and distinguish a cancer center that excels
93 in providing quality, comprehensive, and patient-centered
94 coordinated care.

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

101 3. Submit its proposed performance measures, rating system,
102 and rating standard to the Florida Cancer Control and Research
103 Advisory Council and the Biomedical Research Advisory Council to
104 be approved by both councils prior to the evaluation of any
105 provider under such criteria.

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

109 1. Maintain a license in good standing in this state which
110 authorizes health care services to be provided.

111 2. Be accredited by the Commission on Cancer of the
112 American College of Surgeons.

113 3. Actively participate in at least one regional cancer
114 control collaborative that is operating pursuant to the Florida
115 Comprehensive Cancer Control Program's cooperative agreement
116 with the Centers for Disease Control and Prevention's National

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117 Comprehensive Cancer Control Program.
118 4. Demonstrate excellence in and dissemination of
119 scientifically rigorous cancer research.
120 5. Integrate training and education of biomedical
121 researchers and health care professionals.
122 6. Meet enhanced cancer care coordination standards which,
123 at a minimum, focus on:
124 a. Coordination of care by cancer specialists and nursing
125 and allied health professionals.
126 b. Psychosocial assessment and services.
127 c. Suitable and timely referrals and followup.
128 d. Providing accurate and complete information on treatment
129 options, including clinical trials, which consider each person's
130 needs, preferences, and resources, whether provided by that
131 center or available through other health care providers.
132 e. Participation in a comprehensive network of cancer
133 specialists of multiple disciplines, which enables the patient
134 to consult with a variety of experts to examine treatment
135 alternatives.
136 f. Family services and support.
137 g. Aftercare and survivor services.
138 h. Patient and family satisfaction survey results.
139 (c) The members of the joint committee shall serve without
140 compensation but may receive reimbursement as provided in s.
141 112.061 for travel and other necessary expenses incurred in the
142 performance of their official duties.
143 (d) The Department of Health shall provide such staff,
144 information, and other assistance as is reasonably necessary to
145 assist the joint committee in carrying out its responsibilities.

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146 (3) (a) A provider may apply to the Department of Health for
147 a Cancer Center of Excellence Award. The joint committee must
148 develop an application form to be used by the Department of
149 Health that requires, among other things, submission of
150 documentation by the provider which demonstrates that the
151 criteria in subsection (2) have been met.

152 (b) After January 1, 2014, the Department of Health shall
153 annually conduct two application cycles. The applications are
154 not applications for licensure; the grant of the award by the
155 State Surgeon General is not final agency action; and the Cancer
156 Center of Excellence Award program is not subject to the
157 provisions of chapter 120.

158 (4) (a) The State Surgeon General shall appoint a team of
159 independent evaluators to assess applicants to determine
160 eligibility for the award. An application is to be evaluated
161 independently of any other application. The team shall consist
162 of five evaluators to be selected, in any combination, from the
163 following:

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

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

169 3. No more than two members from the Biomedical Research
170 and Advisory Council; and

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

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175 (b) Each evaluator must be independent and free of any
176 conflict of interest with respect to a health care provider or
177 facility licensed in this state. Each person selected to
178 participate on the evaluation team must sign a conflict of
179 interest attestation before being appointed to the evaluation
180 team.

181 (5) (a) Two evaluation team members may, as necessary,
182 conduct an onsite evaluation to verify submitted application
183 documentation.

184 (b) Each member on the evaluation team shall report to the
185 State Surgeon General those applicants that achieved or exceeded
186 the required score based on the rating system developed in
187 subsection (2) which demonstrates the cancer center excels in
188 providing quality, comprehensive, and patient-centered
189 coordinated care.

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

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

196 (8) A provider that receives a Cancer Center of Excellence
197 Award may use the designation in its advertising and marketing
198 for up to 3 years after the date of the award. In addition, a
199 provider that receives a Cancer Center of Excellence Award may
200 be granted, for 3 years after the date of the award, a
201 preference in competitive solicitations related to cancer care
202 or research undertaken by a state agency or state university.

203 (9) The State Surgeon General shall report to the President

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204 of the Senate and the Speaker of the House of Representatives by
205 January 31, 2014, the status of implementing the Cancer Center
206 of Excellence Award program, and by December 15 annually
207 thereafter, the number of applications received, the number of
208 award recipients by application cycle, a list of award
209 recipients, and recommendations to strengthen the program.

210 (10) The Department of Health shall adopt necessary rules
211 related to the application cycles and submission of the
212 application form.

213 Section 2. Paragraph (j) is added to subsection (4) of
214 section 215.5602, Florida Statutes, and subsection (12) of that
215 section is amended, to read:

216 215.5602 James and Esther King Biomedical Research
217 Program.—

218 (4) The council shall advise the State Surgeon General as
219 to the direction and scope of the biomedical research program.
220 The responsibilities of the council may include, but are not
221 limited to:

222 (j) The council shall select, by majority vote, six members
223 of the council who must combine with seven members of the
224 Florida Cancer Control and Research Advisory Council to form a
225 joint committee to develop performance measures, a rating
226 system, a rating standard, and an application form for the
227 Cancer Center of Excellence Award created in s. 381.925.

228 (12) (a) Beginning in the 2011-2012 fiscal year and
229 thereafter, \$25 million from the revenue deposited into the
230 Health Care Trust Fund pursuant to ss. 210.011(9) and 210.276(7)
231 shall be reserved for research of tobacco-related or cancer-
232 related illnesses. Of the revenue deposited in the Health Care

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233 Trust Fund pursuant to this section, \$25 million shall be
234 transferred to the Biomedical Research Trust Fund within the
235 Department of Health. Subject to annual appropriations in the
236 General Appropriations Act, \$5 million shall be appropriated to
237 the James and Esther King Biomedical Research Program, \$5
238 million shall be appropriated to the William G. "Bill" Bankhead,
239 Jr., and David Coley Cancer Research Program created under s.
240 381.922, \$5 million shall be appropriated to the H. Lee Moffitt
241 Cancer Center and Research Institute established under s.
242 1004.43, \$5 million shall be appropriated to the Sylvester
243 Comprehensive Cancer Center of the University of Miami, and \$5
244 million shall be appropriated to the Shands Cancer Hospital.

245 (b) Beginning July 1, 2014, an entity which performs or is
246 associated with cancer research or care that receives a specific
247 appropriation for biomedical research, research-related
248 functions, operations or other supportive functions, or
249 expansion of operations in the General Appropriations Act
250 without statutory reporting requirements for the receipt of
251 those funds, must submit an annual fiscal-year progress report
252 to the President of the Senate and the Speaker of the House of
253 Representatives by December 15. The report must:

254 1. Describe the general use of the funds.

255 2. Specify the research, if any, funded by the
256 appropriation.

257 3. Describe any fixed capital outlay project funded by the
258 appropriation, the need for the project, how the project will be
259 utilized, and the timeline for and status of the project, if
260 applicable.

261 4. Identify any federal or private grants or donations

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262 generated as a result of the appropriation or activities funded
263 by the appropriation, if applicable and traceable.

264 Section 3. Present subsection (4) of section 381.922,
265 Florida Statutes, is renumbered as subsection (5), and a new
266 subsection (4) is added to that section, to read:

267 381.922 William G. "Bill" Bankhead, Jr., and David Coley
268 Cancer Research Program.—

269 (4) In order to attract and retain experienced research
270 talent and attendant national grant-producing researchers to
271 integrated cancer research and care institutions in this state,
272 the Department of Health shall award endowments to integrated
273 cancer research and care institutions for establishing a funded
274 research chair, pursuant to the General Appropriations Act,
275 specifying an appropriation for this purpose. Funding for the
276 endowed chairs must be independent of funds appropriated
277 pursuant to s. 215.5602(12). The purpose of the endowment is to
278 provide secure funding for at least 7 years to attract an
279 experienced and promising researcher whose continued employment
280 for this period is not contingent upon grant awards associated
281 with time-limited research projects. In addition, the
282 Legislature intends for a research chair to specialize in a
283 cancer-related research field that will facilitate coordination
284 among research institutions within the state and attract other
285 promising researchers and funding to the state.

286 (a) Upon selection of an endowed research chair, the
287 institution shall notify the chairs of the appropriations
288 committees of the Senate and the House of Representatives. An
289 institution funded pursuant to this subsection shall provide to
290 the Governor, the President of the Senate, and the Speaker of

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291 the House of Representatives an annual progress report by
292 December 15 that must, at a minimum, provide the research
293 chair's name; the amount of the endowment fund used for the
294 chair's salary; research responsibilities; the percentage of
295 time devoted to research if the chair also serves as a member of
296 the faculty; research progress; progress toward achieving the
297 goals of this program; endowment expenditures; balance, interest
298 rate, and interest earned on the endowment; and the amount of
299 federal or private grants or donations generated, if any, as a
300 result of the research chair's efforts.

301 (b) If an institution must replace an endowed research
302 chair, the endowment must cease funding expenses associated with
303 the endowed research chair, other than reasonable costs for
304 recruitment, until a replacement chair has been retained. While
305 the endowed research chair is vacant, the endowment must
306 continue to earn interest and all earnings must be added to the
307 balance of the endowment. A vacancy tolls the 7-year timeframe
308 for the endowed research chair.

309 Section 4. Present paragraph (r) of subsection (4) of
310 section 1004.435, Florida Statutes, is redesignated as paragraph
311 (s), and a new paragraph (r) is added to that subsection, to
312 read:

313 1004.435 Cancer control and research.—

314 (4) FLORIDA CANCER CONTROL AND RESEARCH ADVISORY COUNCIL;
315 CREATION; COMPOSITION.—

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

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320 standard, and an application form for the Cancer Center of
321 Excellence Award created in s. 381.925.

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