

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.)

Prepared By: The Professional Staff of the Committee on Health Policy

BILL: SB 734

INTRODUCER: Senators Sobel and Abruzzo

SUBJECT: Cancer Control and Research

DATE: March 6, 2014

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Looke	Stovall	HP	Pre-meeting
2.			AHS	
3.			AP	

I. Summary:

SB 734 reduces the number of members on the Cancer Control and Research Advisory Council (council) from 35 to 15 and revises which organizations are represented on the council as well how council members and the chairperson of the council are appointed. The bill also revises the duties of the council by eliminating the Florida Cancer Control Research Fund and by eliminating the council's responsibility for recommending the awarding of grants and contracts to private entities and government agencies for cancer control, prevention, education, or research. The council is tasked with recommending to the State Surgeon General a statewide research plan.

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.¹ The council is housed within the H. Lee Moffitt Cancer Center and Research Institute, Inc. (Moffitt).² The council:

- 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,

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

² s. 1004.435(4), F.S.

- 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;³
- Develops educational materials and programs; and
- Recommends rules and methods of implementing or enforcing laws concerned with cancer control, research, and education.

The council consists of 35 members including appointees by the Speaker of the House of Representatives, the President of the Senate, and the Governor and other persons representing the: 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 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 Organization, Florida Medical Association, Florida Pediatric Society, Florida Radiological Society, Florida Society of Pathologists, Moffitt, Florida Dental Association, Florida Hospital Association, Association of Community Cancer Centers, statutory teaching hospitals, 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 council, 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 council 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.

III. Effect of Proposed Changes:

Section 1 of the bill amends s. 1004.435, F.S., to:

- Revise the membership of the council down from 35 members to 15 members⁴ consisting of:

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

⁴ 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 cancer center, the Cancer Information Service, the Florida Agricultural and Mechanical University Institute of Public Health, and the Florida Society of Oncology Social Workers.

- One member appointed by the State Surgeon General;
- One member appointed by the CEO, or the CEO's designee, of:
 - 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;
 - The Florida Osteopathic Medical Association who specializes in the field of oncology;
 - The Florida Medical Association who specializes in the field of oncology;
 - The H. Lee Moffitt Cancer Center and Research Institute;
 - The Florida Hospital Association, who specializes in the field of oncology; 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;
- Require that at least four of the members of the council are minority persons;⁵
- Grant each member the option to be reappointed after a 4-year term;
- Require that the council itself, rather than the Governor, select the chairperson of the council;
- Revise the necessary number of members required for a quorum down from 16 to 8.
- Require the institution the member represents, or Moffitt if the member does not represent an institution, to reimburse the member for travel expenses;
- Require the council to 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 currently required.
- Strike language:
 - Requiring the council recommend the awarding of grants and contracts to qualified associations or government agencies;
 - Requiring the council to create summaries of the treatment options available to persons suffering from breast and prostate cancer;
 - Allowing the DOH, to furnish financial aid to Florida citizens who are afflicted with cancer; and,
 - Creating the Florida Cancer Control Research Fund.

⁵ 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.

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 establishes 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:

Organizations represented on the council will be required to pay their representative's travel expenses.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

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

IX. Additional Information:

- A. **Committee Substitute – Statement of Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

- B. **Amendments:**

None.

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