

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 1089 w/CS Health Care Initiatives
SPONSOR(S): Kyle
TIED BILLS:

IDEN./SIM. BILLS: CS/SB 2002

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Appropriations	36 Y, 2 N w/CS	Massengale	Baker
2)			
3)			
4)			
5)			

SUMMARY ANALYSIS

This bill addresses a number of related health care initiatives, including the coordination, improvement, expansion and monitoring of issues related to biomedical research and the cure for diseases such as cancer, heart disease, pulmonary disease, diabetes, Alzheimer’s disease, epilepsy and Parkinson’s disease. The bill also creates the Florida Center for Universal Research to Eradicate Disease (CURED) within the Department of Health; specifies the purpose, duties and reporting requirements; and establishes an advisory council. Further, the bill revises the Lawton Chiles Endowment Fund to include the use of funds to support and expand biomedical research for the cure of specified diseases. The bill also creates the Florida Cancer Research Council.; provides for a board of directors; specifies mission, powers and duties; and requires annual reports. The bill creates the Florida Public Health Foundation, Inc.; provides for the duties, powers, mission, board of directors and annual reports; requires coordination of monthly health awareness campaigns. The bill establishes the Prostate Cancer Awareness Program within the Department of Health; authorizes the department and foundation to enter contracts and seek grant funds; and creates an advisory committee. Finally, the bill creates the Cervical Cancer Elimination Task Force; provides duties, membership and reporting requirements; and provides for repeal of the task force after submission of a final report on or before June 30, 2008.

The bill expands the long-term goals of the James and Esther King Biomedical Research Program to include the cure of specified diseases; provides funding priority for research designed to prevent or cure diseases; and provides an annual distribution of alcohol excise taxes and appropriation of \$6 million within the Department of Health, beginning July 1, 2004, and stipulates that \$250,000 of these funds shall be available annually for operating costs of the Florida Center for Universal Research to Eradicate Disease.

The bill authorizes the Department of Health to issue a chiropractic medicine faculty certificate without examination to an individual who meets specified requirements; authorizes a chiropractic medicine degree program at Florida State University (FSU); provides for an annual distribution of alcohol excise taxes and appropriation of \$9 million to Florida State University, beginning July 1, 2004, for the School of Chiropractic Medicine. The bill also renames the Life Sciences Building at FSU as the “James E. ‘Jim’ King, Jr., Building” and authorizes markers designating such.

The bill amends the powers and duties of H. Lee Moffitt Cancer Center and Research Institute and the Florida Alzheimer’s Center Research Institute to authorize the not-for-profit corporations to create subsidiaries that are for-profit corporations; expands the purposes of the not-for-profit corporations and subsidiaries; provides for an exemption from participation in the property insurance trust fund; changes the appointing authority for certain members of the councils of scientific advisers; and requires that certain appropriations be paid directly to the board of directors of the governing corporations. The bill also renames the Alzheimer’s Center to the Johnnie B. Byrd, Sr., Alzheimer’s Center and provides an annual distribution of alcohol excise taxes and appropriation of \$15 million beginning July 1, 2004 through contract with the Department of Elderly Affairs for the purpose of conducting research, developing and operating integrated data projects, and providing assistance to memory disorder clinics as established in s. 430.502, Florida Statutes.

This document does not reflect the intent or official position of the bill sponsor or House of Representatives.

STORAGE NAME: h1089a.ap.doc
DATE: March 1, 2004

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. DOES THE BILL:

- | | | | |
|--------------------------------------|------------------------------|--|---|
| 1. Reduce government? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> | N/A <input type="checkbox"/> |
| 2. Lower taxes? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. Expand individual freedom? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. Increase personal responsibility? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. Empower families? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a "no" above, please explain:

The bill creates additional governmental involvement in the coordination and advancement of biomedical research and health awareness campaigns.

B. EFFECT OF PROPOSED CHANGES:

Chiropractic Education and Licensure

Chapter 460, Florida Statutes, authorizes the issuance of a license to persons wanting to practice as a chiropractic physician in Florida within the Department of Health by the Board of Chiropractic Medicine. Persons choosing to practice as a chiropractic physician must meet all the requirements for license by examination or for practice under a restricted license. An alternative licensing procedure for a person choosing to limit his/her chiropractic medicine practice to the scope of his/her responsibilities as a faculty member of a formal chiropractic program does not exist.

House Bill 1089 w/CS authorizes the Department of Health to issue a chiropractic medicine faculty certificate without examination to a person who pays an application fee, not to exceed \$100 as determined by a rule of the board, and meets the following requirements: 1) is a graduate of a school or college of chiropractic accredited by the Council on Chiropractic Education; 2) holds a valid current license to practice chiropractic medicine in another jurisdiction in the United States; 3) is at least 21 years of age and of good moral character; 4) has not committed any act or offense that would be a violation of chiropractic physician licensure laws; and 5) has accepted a full-time faculty appointment to teach at a publicly funded university or college. In addition, holders of chiropractic medicine faculty certificates may practice only in conjunction with a faculty position at a publicly funded state university or college and its affiliated clinics. Each certificate automatically expires when the holder's relationship with the school is terminated, or after a period of 2 years, whichever occurs first. Each certificate is renewable every 2 years by a holder who applies to the Board of Chiropractic Medicine and who continues to satisfy the requirements.

School of Chiropractic Education at Florida State University

In 1999, the Legislature directed the Florida Board of Regents and the Postsecondary Education Planning Commission to conduct a study of the need for, and feasibility of, a school of chiropractic medicine at Florida State University (FSU). The study's findings were presented to the Governor, the President of the Senate and the Speaker of the House of Representatives on February 1, 2000. The study concluded that, if a new chiropractic college were established within the state university system or an independent postsecondary institution in Florida, it would be feasible to locate the chiropractic college at an institution that has:

- A wide array of health professions education programs in fields such as medicine, physician assistance, physical therapy, pharmacy, dentistry and/or nursing, and;
- A program in exercise/movement science.

Under proviso language in the 2000 General Appropriations Act, the Legislature provided funds to FSU to develop an implementation plan for the establishment of a school of chiropractic education. FSU

contracted with MGT of America, Inc., which conducted a study of issues related to chiropractic education, including the development of an implementation plan. The MGT report was released December 15, 2000. The report provides a proposed plan for a ten-term chiropractic educational program. The report describes methods to address minorities, seniors, and medically underserved populations; clinical training and partnership opportunities; and resources available and required for a school of chiropractic medicine at FSU.

The Office of the Provost at FSU reports that the mission of the School of Chiropractic Health Care at FSU is to provide the highest quality of education and training for primary care chiropractic physicians in Florida; to conduct the highest caliber of research and scholarship in chiropractic, complementary and related health sciences; and to provide exemplary clinical services to the state's diverse population.

The proposed admission requirements for chiropractic students to the 5-year master's degree program include: a bachelor's degree or equivalent from an accredited school; minimum 3.0 grade point average; satisfactory Graduate Record Examination scores; participation in a structured interview; and demonstrated participation in community service or volunteerism. The requirements also include specified pre-chiropractic courses in the basic sciences.

House Bill 1089 authorizes a chiropractic medicine degree program at FSU, and distributes alcohol excise taxes and appropriates annually \$9 million to FSU for the School of Chiropractic Medicine and further provides that until the School of Chiropractic Medicine is completely staffed and fully operational, funds may be used for any purpose by the university.

H. Lee Moffitt Cancer Center and Research Institute

The H. Lee Moffitt Cancer Center and Research Institute (Cancer Institute) was established by the Legislature in 1981 at the University of South Florida as a not-for-profit corporation, governed by a board of directors. The Cancer Institute is authorized to establish subsidiaries with the approval of the State Board of Education (s. 1004.42(1), F.S.), but these may only be not-for-profit entities. According to the Cancer Institute, federal law regarding not-for-profit organizations impairs the ability of not-for-profit organizations to administer subsidiaries in partnership with for-profit organizations.

In addition, s. 1004.43(2), F.S., requires the State Board of Education to create agreements for the Cancer Institute's use of University of South Florida facilities and personnel for teaching and research conducted by USF or certain other institutions. The Cancer Institute has a 50-year lease with USF for an 18-acre parcel of land, on which are buildings owned by the Cancer Institute. The Institute's sublease agreement with the State Board of Education obligates the Institute to maintain various property and liability insurances. The Institute has also been advised it must participate in the State Risk Management Trust Fund. According to the Institute, however, the coverage provided by the state program is insufficient to meet the obligations of the sublease agreement, and the Institute must purchase additional coverage that duplicates the state program coverage.

Moreover, s. 1004.43(6), F.S., establishes a council of scientific advisors to review programs and recommend research priorities. The council averages 11 members; the State Board of Education appoints five of them.

Finally, the Legislature appropriated \$10,940,335 in General Revenue to the Cancer Institute for FY 2003-04. The appropriation is routed through the Department of Education to the University of South Florida and then to the Cancer Institute.

House Bill 1089 authorizes the not-for-profit corporation to establish for-profit subsidiaries as well as not-for-profit subsidiaries with prior approval of the State Board of Education. According to representatives of the Cancer Institute, this would not affect the Cancer Institute's not-for-profit status under Florida or federal law. They cited cancer drug development and the provision of joint health care services with for-profit entities as potential examples of the activities undertaken by a for-profit subsidiary; however, the Cancer Institute's for-profit subsidiaries would be prohibited from competing

with other for-profit providers of radiation therapy services. The bill requires the State Board of Education to provide agreements with the Cancer Institute on the use of land, as well as facilities and personnel, for the purposes of research, education, treatment, prevention and the early detection of cancer. The Cancer Institute would be exempt from participating in state property insurance trust funds as long as comparable or greater insurance protection was obtained by the Institute. The bill also provides that the State Board of Education would no longer appoint the Cancer Institute's council of scientific advisors. Finally, the bill requires that any appropriation to the Cancer Institute in the General Appropriations Act would be paid directly to the Institute's board of directors rather than routed through other entities.

Florida Alzheimer's Center and Research Institute

The Florida Alzheimer's Center and Research Institute (Alzheimer's Center) was established at the University of South Florida effective July 1, 2002 to provide research, education, treatment, prevention and early detection of Alzheimer's diseases (s. 1004.445, F.S.). The board of directors and scientific advisors have been appointed, and the Alzheimer's Center is in the process of completing construction of its facility.

The Institute will be both a physical location that provides state-of-the-art services to persons living with Alzheimer's disease and will also be a coordinating and facilitating agent for all of the state's varied efforts to prevent, diagnose, treat, and support caregivers of persons with Alzheimer's disease. The Institute will fund research applications from around the state that demonstrate promise and which could conceivably become the foundation of applications for federal and private grants.

The Institute will work with all of the Alzheimer's work sites in the state to ensure that the state competes for and receives a National Institute on Aging grant and designation of another Alzheimer's disease Center in the state.

The Institute will be involved in disseminating best practice information as well as in providing financial support for faculty persons to have access to technology, laboratory time, materials, and data necessary for the highest caliber of work. The Institute will collaborate with bench researchers, faculty training the next generation of clinicians, and scientists in other applied disciplines to bring a coordinated, logical, and efficient strategy to Alzheimer's research.

The Alzheimer's Center was established with similar statutory requirements as the Cancer Institute. House bill 1089 makes similar changes to the authorizing Alzheimer's Center statutes as for the Cancer Center, including authorizing the Alzheimer's Center to establish for-profit, as well as not-for-profit subsidiaries with prior approval from the State Board of Education; requiring that agreements between the State Board of Education and the Alzheimer's Center address the use of land, as well as facilities and personnel, for the purpose of research, education, treatment, prevention and early detection of Alzheimer's disease; exempting the Alzheimer's Center from participation in the state property insurance trust funds as long as comparable or greater insurance protection is obtained by the Center; eliminating the appointment of scientific advisors from the State Board of Education's responsibilities; and providing that any appropriations in the General Appropriations Act, would be paid directly to the Alzheimer's Center. The bill also renames the Center the Johnnie B. Byrd, Sr., Alzheimer's Center and Research Institute, and distributes alcohol excise taxes and appropriates \$15 million in recurring funds to the Alzheimer's Center through contract with the Department of Elderly Affairs for the purpose of conducting research, developing and operating integrated data projects, and providing assistance to memory disorder clinics as established in s. 430.502, Florida Statutes.

Biomedical Research Coordination (CURED)

Biomedical research contributes ultimately to the health of a population, and biomedical discoveries and the resultant products or treatments contribute to the economy of the area where they are produced. For both health and economic reasons, governments have an interest in furthering the work of biomedical researchers and in helping researchers collaborate and share resources. A number of states have initiatives to coordinate cancer research. Some state governments, as well as private

foundations and companies, are addressing the needs of researchers who are conducting stem cell research.

House Bill 1089 w/CS creates the Florida Center for Universal Research to Eradicate Disease (CURED) within the Department of Health (DOH). The purpose of the center is to coordinate, improve, expand, and monitor all biomedical research programs within the state, facilitate funding opportunities, and foster improved technology transfer of research findings into clinical trials and widespread public use. The goal of the center is to find cures for diseases such as cancer, heart disease, lung disease, diabetes, autoimmune disorders, and neurological disorders, including Alzheimer's disease, epilepsy, and Parkinson's disease.

The center must hold an annual biomedical technology summit in Florida to which biomedical researchers, biomedical technology companies, business incubators, pharmaceutical manufacturers, and others around the nation and world are invited to share biomedical research findings in order to expedite the discovery of cures for diseases. Summit attendees will be required to cover, or obtain sponsorship for, the costs of their attendance.

The center is responsible for the following:

- Encouraging clinical trials in Florida on research that holds promise of curing a disease or condition.
- Facilitating partnerships between researchers, treating physicians, and community hospitals for the purpose of sharing new techniques and new research findings, as well as coordinating voluntary donations to ensure an adequate supply of adult stem cells, placentas and cord blood.
- Facilitating the formation of partnerships between Florida researchers and institutions in other states and countries where research with rare plants or animals could lead to cures.
- Encouraging Florida's agricultural colleges and agricultural businesses to be active in the search for cures and the provision of public information about disease prevention.
- Facilitating partnerships among researchers working to cure all types of diseases, including those that are prevalent in developed countries and those that occur in developing countries.
- Encouraging the discovery and production in Florida of vaccines that prevent disease.

The center must monitor the supply and demand for types of human tissue relating to research, including stem cell research, and other needs of researchers. If the center determines that there is a need for increased donation of human tissue, it must notify hospitals licensed under Chapter 395, F.S., that have entered into partnership agreements with research institutes conducting stem cell research located in the same geographic region as the researchers in need of the stem cells or other tissues. The hospitals must then implement programs that encourage voluntary donations of cord blood or other needed tissues.

The center will be funded through private, state, and federal sources. The center will serve as a registry of all known biomedical grant opportunities and may assist any public or private biomedical research program in this state in preparing grant requests. The center must also maintain a website with links to peer-reviewed biomedical research. The website must further contain a list of all known biomedical research being conducted in Florida and must facilitate communication among researchers and other interested parties.

The center must submit an annual report to the Governor, the President of the Senate, and the Speaker of the House of Representatives no later than January 15 which contains recommendations for legislative change necessary to foster a positive climate for biomedical research in Florida. The duties of the center may be outsourced by the Department of Health to a private entity or state university.

An advisory council, established within the center, must meet at least annually. The council will consist of the members of the board of directors of the Florida Research Consortium and at least one

representative from each of the following: The Emerging Technology Commission; Enterprise Florida, Inc.; BioFlorida; The Biomedical Research Advisory Council; The Florida Medical Foundation; Pharmaceutical Research and Manufacturers of America; The Florida Tri-Agency Coalition on Smoking and Health; The Florida Cancer Research Cooperative, Inc.; The American Cancer Society, Florida Division, Inc.; The American Heart Association; The American Lung Association of Florida; The American Diabetes Association, South Coastal Region; The Alzheimer's Association; The Epilepsy Foundation; The National Parkinson's Foundation; The Florida Public Health Foundation, Inc.; and Scripps Florida, or the entity formed by the Scripps Research Institute in Florida.

Members of the council will serve without compensation and each organization represented must cover all expenses of its representative.

House Bill 1089 w/CS also amends ss. 215.5601 and 215.5602, F.S., related to the Lawton Chiles Endowment Fund and the James and Esther King Biomedical Research Program, respectively, to support and expand biomedical research to the cure, as well as prevention, diagnosis, and treatment of diseases related to tobacco use. The bill requires the program to give priority to research to prevent or cure disease. The Biomedical Research Advisory Council must submit a copy of its annual report to the Florida Center for Universal Research to Eradicate Disease, as well as to the Governor, the Secretary of Health, the President of the Senate, and the Speaker of the House of Representatives.

The bill annually distributes alcohol excise taxes and appropriates \$6 million to the James and Esther King Biomedical Research Program within the Department of Health. From these funds, up to \$250,000 must be available for the annual operating costs of the Florida Center for Universal Research to Eradicate Disease.

Life Sciences Building

The bill renames the Life Sciences Building at the Florida State University as the James E. 'Jim' King, Jr., Building and authorizes markers to be erected for designation of the building.

Florida Cancer Research Council

The bill establishes the Florida Cancer Research Council, effective July 1, 2004, within the Department of Health for the purpose of making Florida a world-class center for cancer research. The council may create not-for-profit corporate subsidiaries to fulfill its mission, and those subsidiaries could receive, hold, invest, and administer property and any monies acquired from private, local, state, and federal sources as well as technical and professional income from the mission-related activities of the council.

The 17-member council will comprise: the chairman of the Florida Dialogue on Cancer, who shall serve as chair of the council; the Secretary of Health, or his or her designee; the chief executive officer of the H. Lee Moffitt Cancer Center and Research Institute, or his or her designee; the director of the University of Florida Shands Cancer Center, or his or her designee; the director of the University of Miami Sylvester Comprehensive Cancer Center, or his or her designee; the chief executive officer of the Mayo Clinic, Jacksonville, or his or her designee; the chief executive officer of the American Cancer Society, Florida Division, or his or her designee; the president of the American Cancer Society, Florida Division Board of Directors, or his or her designee; the president of the Florida Society of Clinical Oncology, or his or her designee; the president of the American College of Surgeons, Florida Chapter, or his or her designee; the president of Enterprise Florida, Inc., or his or her designee; five representatives from cancer programs approved by the American College of Surgeons, one of whom will be appointed by the Governor, one by the President of the Senate and one by the Speaker of the House of Representatives; one member of the House of Representatives, to be appointed by the Speaker of the House of Representatives; and one member of the Florida Senate, to be appointed by the President of the Senate.

Appointments made by the Senate President and House Speaker will be for two-year terms concurrent with the terms of the presiding officers who make the appointments. Appointments made by the Governor will be for two-year terms, and the Governor may reappoint members. Members of the

council or any subsidiaries are to serve without compensation, and each organization represented on the council must cover the expenses of its representative.

The bill establishes the mission and duties of the Florida Cancer Research Council. In this regard, the council must develop and centralize the processes and shared services for expanding cancer research in Florida through support through bioinformatics to create a cancer informatics infrastructure that enhances information and research exchange; technical coordination, business development, and support of intellectual property; development of a statewide cancer clinical trials network; and other activities to support multidisciplinary research. The council must work in concert with the Florida Center for Universal Research to Eradicate Disease.

The council must issue an annual report to the Governor, President of the Senate, the Speaker of the House of Representatives, and the Florida Center for Universal Research to Eradicate Disease by December 15 each year. The report must contain policy and funding recommendations regarding cancer research capacity in Florida.

Florida Public Health Foundation

House Bill 1089 w/CS also establishes the Florida Public Health Foundation, Inc., in law, for the purpose of disseminating biomedical research breakthrough findings and promoting health awareness in Florida. The corporation's mission will include disseminating information about innovative biomedical research and clinical trials in Florida, as well as making Floridians and their treatment providers aware of specified diseases and conditions and of available methods of preventing, diagnosing, treating, and curing those diseases and conditions.

The corporation must be established as a not-for-profit entity qualifying under section 501(c)(3) of the Internal Revenue Code, and is authorized to receive, hold, invest, and administer property and any moneys acquired from private, local, state, and federal sources, as well as technical and professional income generated, or derived, from the mission-related activities of the corporation.

The corporation's duties will include procuring funds necessary for accomplishing the purpose and mission of the corporation. The corporation must complement, supplement, and enhance the missions of the various organizations, entities, and departments represented on its board by serving as the lead overall public health awareness corporation in the state.

The affairs of the not-for-profit corporation will be managed by an executive director appointed by a board of directors comprising the Secretary of the Department of Health or his or her designee; a former member of the Florida Senate appointed by the President of the Senate; a former member of the Florida House of Representatives appointed by the Speaker of the House of Representatives; a representative of the American Heart Association; a representative of the American Cancer Society, Florida Division, Inc.; a representative of the American Lung Association of Florida; a representative of the American Diabetes Association, South Coastal Region; a representative of the Alzheimer's Association; a representative of the Epilepsy Foundation; a representative of the National Parkinson's Foundation; a representative of the March of Dimes, Florida Chapter; a representative of the Arthritis Foundation, Florida Chapter; a representative of the American Liver Foundation; a representative of the Florida Council for Behavioral Healthcare, Inc.; a representative of the Florida Alcohol and Drug Abuse Association; a representative of Pharmaceutical Research and Manufacturers of America; a representative of the Florida Public Health Association; a representative of the Florida Association of County Health Officers; a public health academician selected by the State Health Officer; a representative of the Florida Academy of Family Physicians; and three consumers who have demonstrated an interest in promoting public health, appointed by the Florida Public Health Association.

Members of the board of directors will serve for two-year terms and shall serve without compensation. Each organization represented on the board of directors is to cover the expenses of its representative.

The corporation, in consultation with DOH and the Florida Center for Universal Research to Eradicate Disease, must facilitate communication between biomedical researchers and health care providers each month according to the health awareness schedule established by the Florida Public Health Foundation, Inc. The corporation and DOH must enter into partnerships with providers of continuing education for healthcare practitioners to ensure that practitioners are aware of the most recent and complete diagnostic and treatment tools. The corporation must provide an annual report concerning its activities and finances to the Florida Center for Universal Research to Eradicate Disease, the Governor, Senate President, and House Speaker.

HB 1089 w/CS also requires the Florida Public Health Foundation, Inc., in consultation with the Department of Health, to coordinate monthly health awareness campaigns with national, state, and local health care organizations and government entities targeting a wide range of the public, including: parents, teachers, and other school employees; students in 4th through 12th grade, colleges, and universities; state agency employees; county and local government employees; patients of county health departments; Medicaid recipients; health care professionals and providers; and the general public.

The awareness campaigns must include the provision of educational information about preventing, detecting, treating, and curing specified diseases or conditions. Additional diseases and conditions that affect the public health may be added. The following diseases and conditions must be included in a public awareness campaign during at least one month in any 24-month period: cancer, including breast, prostate, cervical, ovarian, colorectal, leukemia and skin cancer; heart disease; stroke; lung disease, including asthma and smoking-related diseases; neurological disorders and disease, including Alzheimer's disease, Parkinson's disease, and epilepsy; gastrointestinal disease; kidney disease; diabetes; liver disease; autoimmune disorders; birth defects and prenatal care; obesity and malnutrition; sexually transmissible diseases; hepatitis A, B, and C; arthritis; vaccine-preventable diseases; infectious diseases including HIV/AIDS; substance abuse; mental illness; lupus; and osteoporosis.

The health awareness campaigns must be funded by the Florida Public Health Foundation, Inc., and the Florida Department of Health to the extent that funds are available from public and private sources. Health awareness information must be disseminated through all available methods, including print, audio, visual, and electronic media.

Prostate Cancer Awareness Program

The American Cancer Society estimates that there were 15,800 new cases of prostate cancer diagnosed in Florida in 2003, and 2,100 deaths in Florida directly attributable to prostate cancer, which is, by number, second to lung cancer deaths in cancer deaths to men.

Little is known about the causes of prostate cancer. Research indicates that risk factors include age (risk increases after age 50), a family history of prostate cancer, race (African American men are at up to 40% higher risk of developing prostate cancer than men of other races), and eating a high fat diet. Typically, prostate cancers take four years or more to double in size, compared, for example, to breast cancers, which can double in size in a matter of weeks. Adding to the difficulties associated with prostate cancer is that there is, at present, no definitive way to distinguish between those prostate cancers that will cause no trouble in a man's lifetime and those that will spread and should be treated.

Despite the different recommendations for screening, there is agreement about the need for public information about prostate cancer. Persons who could benefit from screening need to know of the benefit. Persons to whom screening is offered may know very little about the choices they could make, if the screening result is positive.

At this time, Florida has no federal funded or state-funded programs specifically relating to prostate cancer awareness. However, the Department of Health (DOH) reports: "Although there is currently no Prostate Cancer Awareness Program within DOH, prostate cancer is one of four priority areas of the

department's Comprehensive Cancer Control Program, which is currently being formed. This program is being developed through a planning grant from the Centers for Disease Control and Prevention, and does not include funding for media, committee member travel, or other activities."

The department further notes that there are currently five localities in the state that are Racial/Ethnic Disparities (RED) grantees that address prostate cancer education, outreach, and screening in their grant activities. These RED grants are supported through General Revenue funds and are scheduled to end in June 2003.

HB 1089 w/CS establishes the Prostate Cancer Awareness Program within the Department of Health to the extent that funds are available. The purpose of the program is to provide for statewide outreach and health education activities relating to early detection of prostate cancer. DOH is authorized to conduct activities or enter into a contract with a qualified nonprofit community education entity to implement the program and seek gifts, grants, or funds from available organizations.

The bill creates a prostate cancer advisory committee to advise DOH in implementing the program. The Secretary of Health will appoint the committee, which will include three members of prostate cancer survivor groups or cancer-related advocacy groups, three members who are scientists or clinicians from public universities or research organizations, and three members who are practicing cancer medical specialists from health organizations with a commitment to cancer research and control. The committee members will serve without compensation but may be reimbursed for per diem and travel expenses under s. 112.061, F.S. The program is to be coordinated with the Florida Public Health Foundation, Inc.

Cervical Cancer Elimination Task Force

The American Cancer Society estimates that in 2004, about 10,520 cases of invasive cervical cancer will be diagnosed in the United States. Some researchers estimate that noninvasive cervical cancer (carcinoma in situ) is about four times more common than invasive cervical cancer. Cervical cancer was once one of the most common causes of cancer death for American women. Between 1955 and 1992, the number of cervical cancer deaths in the United States dropped by 74%. The main reason for this change is the increased use of the Pap test. This screening procedure can find changes in the cervix before cancer develops. It can also find early cancer in its most curable stage. The death rate from cervical cancer continues to decline by about 2% a year.

HB 1089 w/CS establishes the Cervical Cancer Elimination Task Force, effective July 1, 2004, for the purpose of recommending strategies and actions to reduce the costs and burdens of cervical cancer in Florida. The task force is to present interim reports to the Florida Public Health Foundation, Inc.; the Florida Cancer Research Cooperative, Inc.; the Center for Universal Research to Eradicate Disease; the Governor; the President of the Senate; and the Speaker of the House of Representatives on January 1, 2006, and July 1, 2007, with a final report due on June 30, 2008. The task force is dissolved after submitting its final report.

The task force is to review statistical and qualitative data on the prevalence and burden of cervical cancer; receive and consider reports and testimony from various individuals and organizations statewide to learn more about their contributions to cervical cancer diagnosis, prevention, and treatment, as well as ideas for improving the care of cervical cancer patients; identify priority strategies and new technologies, including newly introduced vaccines, which are effective in preventing and controlling the risk of cervical cancer; provide recommendations to the Florida Public Health Foundation, Inc., on public awareness issues relating to cervical cancer; identify and examine existing programs, services, laws, and rules regarding the availability and coverage of treatment services for cervical cancer; and develop and revise a comprehensive Florida Cervical Cancer Prevention Plan and present those recommendations to the Department of Health and the Florida Cancer Control and Research Advisory Council for incorporation into the Florida Cancer Plan.

The task force will comprise: the director of the Department of Health's Division of Disease Control or another person with expertise in epidemiology who shall serve as chair, appointed by the Secretary of Health; a board-certified gynecologist licensed as a physician representing the Florida Obstetric and Gynecologic Society, appointed by the Governor; a family physician who provides gynecology services representing the Florida Academy of Family Physicians, appointed by the Governor; an oncologist licensed as a physician representing the Florida Division of the American Cancer Society, appointed by the President of the Senate; an advanced registered nurse practitioner who practices gynecology representing the Florida Nurses Association, appointed by the Speaker of the House of Representatives; a member of the Legislative Women's Caucus, appointed by the President of the Senate; a member of the Legislative Women's Caucus, appointed by the Speaker of the House of Representatives; the chief executive officer of the H. Lee Moffitt Cancer Center and Research Institute or his or her designee; the director of the University of Florida Shands Cancer Center or his or her designee; the director of the University of Miami Sylvester Comprehensive Cancer Center or his or her designee; and the chief executive officer of the Mayo Clinic, Jacksonville, or his or her designee.

Members of the task force shall be appointed to four-year terms and shall serve without compensation. Each organization represented shall cover the expenses of its representative.

C. SECTION DIRECTORY:

Section 1 creates 460.4062, F.S., allowing the Department of Health to issue a chiropractic medicine faculty certificate under certain conditions.

Section 2 creates 1004.383, F.S., authorizing a chiropractic medicine degree program at Florida State University.

Section 3 amends 561.121(1)(a), F.S., providing annual appropriations from the proceeds of the excise tax on alcoholic beverages and distributing the funds to the Department of Elderly Affairs, the Department of Health, and Florida State University for specified research and programs.

Section 4 amends 1004.43, F.S., allowing the H. Lee Moffitt Cancer Center and Research Institute to create both for-profit and not-for-profit subsidiaries; limiting the competitive scope of for-profit subsidiaries; requiring that the contract between the State Board of Education and the Cancer Institute address the use of land and specifies the purpose of its use; exempting the Cancer Institute from participating in any insurance trust fund under certain conditions; requiring the Cancer Institute's board of directors to appoint all members of its council of scientific advisors; and requiring appropriations to be paid directly to the Cancer Institute's board of directors.

Section 5 amends 1004.445, F.S., renaming the Florida Alzheimer's Center and Research Institute the Johnnie B. Byrd, Sr., Alzheimer's Center and Research Institute; allowing the Alzheimer's Center to create both for-profit and not-for-profit subsidiaries; requiring that the contract between the State Board of Education and the Alzheimer's Center address the use of land and specifies the purpose of its use; exempting the Alzheimer's Center from participating in any insurance trust fund under certain conditions; requiring the Alzheimer's Center's board of directors to appoint all members of its council of scientific advisors; and requiring appropriations to be paid directly to the Alzheimer's Center's board of directors.

Section 6 provides legislative findings and intent for biomedical research and establishes the Florida Center for Universal Research to Eradicate Disease (CURED); provides duties of the Center; and creates an advisory council.

Section 7 amends 215.5601(1)(d), F.S., expanding legislative intent of the use of funds from the Lawton Chiles Endowment to include the cure of specified diseases.

Section 8 amends 215.5602, F.S., expanding the long-term goals of the James and Esther King Biomedical Research Program to include the cure of specified diseases.

Section 9 names the Life Sciences Building at Florida State University as the James E. "Jim" King, Jr., Building, and authorizes the university to erect markers designating such.

Section 10 creates the Florida Cancer Research Council; specifies its members; and requires an annual report.

Section 11 specifies the mission and duties of the Florida Cancer Research Council.

Section 12 creates the Florida Public Health Foundation as a not-for-profit corporation; specifies its purpose, mission and duties; creates a board of directors and defines the members; and requires an annual report.

Section 13 requires the Florida Public Health Foundation to coordinate monthly public health awareness campaigns to disseminate information on specified diseases and conditions.

Section 14 establishes the Prostate Cancer Awareness Program in the Department of Health; specifies its purpose; creates an advisory committee and defines its members; and authorizes the program to coordinate its efforts with the Florida Public Health Foundation.

Section 15 establishes the Cervical Cancer Elimination Task Force; specifies purpose, duties and members of the task force; requires periodic reports; and specifies a date for dissolution.

Section 16 provides an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:	FY 2004-05	FY 2005-06
State Treasury		
General Revenue Fund	(\$30,000,000)	(\$30,000,000)
2. Expenditures:		
Department of Elderly Affairs		
Grants and Donations Trust Fund	\$15,000,000	\$15,000,000
Department of Health		
Biomedical Research Trust Fund	\$6,000,000	\$6,000,000
Florida State University		
General Revenue Fund	\$9,000,000	\$9,000,000

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:
None
2. Expenditures:
None

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Persons choosing to practice under a chiropractic medical faculty certificate at a post-secondary educational institution will be subject to an initial application fee of no more than \$100 and a renewal fee.

House Bill 1089 w/CS also allows the creation of for-profit subsidiaries by the H. Lee Moffitt Cancer Center and Research Institute and the Johnnie B. Byrd, Sr. Alzheimer's Center and Research Institute. The Cancer Institute and the Alzheimer's Center could realize additional income from the for-profit subsidiaries, which cannot be determined at this time; however, the for-profit subsidiaries of the Cancer Institute may not compete with for-profit radiation therapy services providers.

D. FISCAL COMMENTS:

Section s. 561.121, F.S., requires that all state funds collected pursuant to s. 563.05, F.S., related to the excise taxes on malt beverages, s. 563.06, F.S., related to excise taxes on wine and beverages, and s. 565.12, F.S., related to the excise tax on liquors and beverages are to be paid into the State Treasury and disbursed according to certain criteria. House Bill 1089 annually redirects a portion of these excise taxes to the Johnnie B. Byrd, Sr. Alzheimer's Center and Research Institute (\$15 million), the James and Esther King Biomedical Research Program in the Department of Health (\$6 million), and the FSU School of Chiropractic Medicine (\$9 million).

While the bill specifies that up to \$250,000 must be available for the annual operating costs of the Florida Center for Universal Research to Eradicate Disease from the \$6 million appropriation to the James and Esther King Biomedical Research Program within the Department of Health, the department indicates that the fiscal impact to them of implementing all the activities in the bill is \$691,816 in General Revenue funds and 4.5 positions in FY 2004-05. The need for General Revenue funds for FY 2005-06 is reduced to \$315,878 because some recurring expenses should be covered by public or private donations.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

This legislation does not require counties or municipalities to spend funds or to take action requiring the expenditure of funds. The legislation does not reduce the percentage of a state tax shared with counties or municipalities. Finally, the legislation does not reduce the authority that municipalities have to raise revenues.

2. Other:

None

B. RULE-MAKING AUTHORITY:

The Department of Health has adequate rulemaking authority to implement the provisions of the bill.

C. DRAFTING ISSUES OR OTHER COMMENTS:

The bill limits the issuance of chiropractic medicine faculty certificates to full-time faculty teaching at a publicly funded state university or college. The bill does not include the existing doctor of chiropractic program at the Palmer College of Chiropractic Florida located in Port Orange, Florida, which has been educating students since 2001.

The bill does not impose an annual limitation on the number of chiropractic medicine faculty certificates that may be extended at each institution. Similar provisions under the medical practice act provide that

each medical school and the H. Lee Moffitt Cancer Center and Research Institute may renew a maximum of 15 medical faculty certificates in any year, but the Mayo Medical School at the Mayo Clinic in Jacksonville may only renew a maximum of 5 certificates in any year.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

On March 1, 2004, the Committee on Appropriations favorably reported a strike-all amendment with the following changes:

- Renames the Florida Cancer Research Cooperative, Inc. to Florida Cancer Research Council; removes reference to affairs being managed by a board of directors; revises the membership of the council; and expands the council's mission and duties.
- Provides annual distributions from the proceeds of the excise tax on alcoholic beverages and appropriations of funds for the Alzheimer's Center, Biomedical Research Program and the School of Chiropractic Medicine.
- Deletes the words "a fee" and inserts "an application fee" in the title for the chiropractic medicine faculty certificate.