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# **Higher Education Appropriations Subcommittee Meeting Packet**

**March 28, 2011  
2:00 p.m. – 2:45 p.m.  
Reed Hall**



# **The Florida House of Representatives**

## **APPROPRIATION COMMITTEE**

Higher Education Appropriations Subcommittee

**Dean Cannon**  
**Speaker**

**Marlene O'Toole**  
**Chair**

### **MEETING AGENDA**

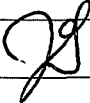

Reed Hall  
March 28, 2011

- I.** Meeting Called To Order
- II.** Opening Remarks by Chair
- III.** Consideration of the following bills:
  - CS/HB 137 – Prostate Cancer Awareness Program by Health & Human Services Subcommittee and Rep. Renuart
  - HB 4177 – Public Postsecondary Education by Rep. Metz
- IV.** Closing Remarks
- V.** Meeting Adjourned



HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** CS/HB 137 Prostate Cancer Awareness Program  
**SPONSOR(S):** Renuart  
**TIED BILLS:** IDEN./SIM. BILLS: SB 414

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Health & Human Services Access Subcommittee	15 Y, 0 N, As CS	Holt	Schoolfield
2) Higher Education Appropriations Subcommittee		 Garner	Heflin 
3) Health & Human Services Committee			

**SUMMARY ANALYSIS**

Currently, the Prostate Cancer Awareness Program is housed within the Department of Health and has not been funded since the 2002-2003 fiscal year. The bill expands the purpose of the Prostate Cancer Awareness Program and transfers all duties and responsibilities for implementing the Prostate Cancer Awareness Program (Program) from the Department of Health and the Florida Public Health Institute, Inc. to the University of Florida, Prostate Disease Center (Center) to:

- Promote prostate cancer awareness;
- Communicate the advantages of early detection;
- Report recent progress in prostate cancer research and the availability of clinical trials;
- Minimize health disparities through outreach and education;
- Communicate best practices principles to physicians involved in the care of prostate cancer patients; and
- Establish a communication platform for patients and their advocates.

The bill changes the name of the Prostate Cancer Advisory Committee to the University of Florida Prostate Disease Center (UFPDC) Prostate Advisory Council (Council) and substantially expands the duties of the Council. The Center is directed to lead the Council in developing and implementing strategies to improve outreach and education to reduce the number of patients who develop prostate cancer. The bill amends the membership, appointment terms, duties, and deletes per diem and travel reimbursement provisions for the Council.

The bill has no fiscal impact to the state or local governments. (See Fiscal Comments.)

The bill provides for an effective date of July 1, 2011.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### Background

##### Prostate Cancer

Prostate cancer is cancer that starts in the prostate gland. The prostate is a gland in the male reproductive system located just below the bladder (the organ that collects and empties urine) and in front of the rectum (the lower part of the intestine)<sup>1</sup>

Prostate cancer is now the second leading cause of cancer death in men, exceeded only by lung cancer.<sup>2</sup> Prostate cancer is uncommonly seen in men younger than 50 years; the incidence rises rapidly with each decade thereafter.<sup>3</sup> There were 99,745 Floridians diagnosed with cancer in 2005. Prostate cancer accounted for 13 percent of that total.<sup>4</sup>

**Number of New Cancer Cases, Florida, 2005**

	All Cancers	Prostate	Breast
<b>Florida</b>	99,745	13,253	12,428
Female	46,575	-0-	12,428
Male	53,095	13,253	-0-
Black	8,734	1,701	1,077
White	88,333	11,125	11,034

Source: Florida Cancer Data System

Not everyone experiences symptoms of prostate cancer.<sup>5</sup> Many times, signs of prostate cancer are first detected by a doctor during a routine check-up. Conversely, the signs of prostate cancer are not limited specifically to a diagnosis of cancer, instead, a doctor may identify a non-cancerous prostate problem.<sup>6</sup> Symptoms include:<sup>7</sup>

- A need to urinate frequently, especially at night
- Difficulty starting urination or holding back urine
- Weak or interrupted flow of urine
- Painful or burning urination
- Difficulty in having an erection
- Painful ejaculation
- Blood in urine or semen

<sup>1</sup> National Institute of Health, National Cancer Institute, *General Information About Prostate Cancer*, available at: <http://www.cancer.gov/cancertopics/pdq/treatment/prostate/Patient> (last viewed February 11, 2011)

<sup>2</sup> National Institute of Health, National Cancer Institute, *Prostate Cancer Screening*, available at: <http://www.cancer.gov/cancertopics/pdq/screening/prostate/HealthProfessional/page2> (last viewed February 11, 2011).

<sup>3</sup> *Id.*

<sup>4</sup> Florida Department of Health, Bureau of Epidemiology, Florida Cancer Data System. *Florida Annual Cancer Report: 2005 Incidence and Mortality*, available at: [http://www.doh.state.fl.us/disease\\_ctrl/epi/cancer/Annual.html](http://www.doh.state.fl.us/disease_ctrl/epi/cancer/Annual.html) (last viewed February 11, 2011).

<sup>5</sup> Prostate Cancer Foundation, *Understanding Prostate Cancer: Prostate Cancer Symptoms*, [http://www.pcf.org/site/c.leJRIRORepH/b.5802031/k.6CE8/Prostate\\_Cancer\\_Symptoms.htm](http://www.pcf.org/site/c.leJRIRORepH/b.5802031/k.6CE8/Prostate_Cancer_Symptoms.htm) (last viewed February 11, 2011).

<sup>6</sup> *Id.*

<sup>7</sup> *Id.*

- Frequent pain or stiffness in the lower back, hips, or upper thighs (only when the cancer has spread)

### Recommendations for Screening

When to start screening for prostate cancer varies depending upon risk. Age 40 is generally considered a reasonable time to start screening for those at highest risk (genetic predispositions or strong family histories of prostate cancer at a young age). Some recommend an initial prostate-specific antigen (PSA)<sup>8</sup> blood test and digital rectal exam<sup>9</sup> at age 40, and others recommend starting at age 50. Practitioners who recommend against regular screening rationalize that because most prostate cancers grow very slowly, the side effects of treatment would likely outweigh any benefit that might be derived from detecting the cancer at a stage when it is unlikely to cause problems.<sup>10</sup> When to stop screening is also controversial among practitioners. Some practitioners propose 75 as a reasonable cut-off age. While others, suggest that screening and treatment is an individual decision based on life expectancy and overall current health.<sup>11</sup>

Recent studies of screening in large U.S. and European populations have suggested that the benefits of screening may not occur for ten or more years after screening, given the long natural history of prostate cancer. These studies also suggest that many men will need to be screened (over 1,000) and treated (nearly 50) to save one life from prostate cancer.<sup>12</sup>

### **Effects of the Bill**

#### Prostate Cancer Awareness Program

In 2004, the Legislature created the Prostate Cancer Awareness Program (Program) within the Department of Health (DOH).<sup>13</sup> The Program is charged with implementing the recommendations of the January 2000 Florida Prostate Cancer Task Force and to provide for statewide outreach and health education activities to ensure men are aware of and appropriately seek medical counseling for prostate cancer as an early detection health care measure.<sup>14</sup> According to s. 381.911(2), F.S., the DOH and the Florida Public Health Institute, Inc. (Institute) are tasked with implementing the Program by:

- Conducting activities directly or enter into a contract with a qualified nonprofit community education entity; and
- Seeking any available gifts, grants, or funds from the state, the Federal Government, philanthropic foundations, and industry or business groups.

The bill removes references to the DOH and Institute and transfers all duties and responsibilities related to the implementation of the Program to the University of Florida, Prostate Disease Center<sup>15</sup> (Center). The bill expands the scope of the Program to:

- Promote prostate cancer awareness;
- Communicate the advantages of early detection;

<sup>8</sup> Elevated levels of PSA in blood serum are associated with benign prostatic hyperplasia and prostate cancer.

<sup>9</sup> A procedure, in which, the physician inserts a gloved finger into the rectum to examine the rectum and the prostate gland for signs of cancer.

<sup>10</sup> Prostate Cancer Foundation, Understanding Prostate Cancer: Early Detection & Screening, [http://www.pcf.org/site/c.leJRIROrEpH/b.5802037/k.6B8C/Early\\_Detection\\_Screening.htm](http://www.pcf.org/site/c.leJRIROrEpH/b.5802037/k.6B8C/Early_Detection_Screening.htm) (last viewed February 11, 2011).

<sup>11</sup> *Id.*

<sup>12</sup> *Id.*

<sup>13</sup> ch. 2004-2, L.O.F.

<sup>14</sup> s. 381.911(1), F.S.

<sup>15</sup> The Dean of University of Florida, College of Medicine, approved the creation of the UF Prostate Cancer Disease Center on February 2, 2009. The Center is housed under the Department of Urology. The Center's mission strictly follows the University's strategic plan to become a national leader in translational research and teaching institute that ultimately means better overall patient care. The Center focuses on interdisciplinary research and educational efforts that facilitate the development of new and better diagnostic tools and treatment methods for prostate diseases, including prostate cancer, benign prostate hyperplasia, inflammatory prostate disorders, and other urogenital diseases.

- Report recent progress in prostate cancer research and the availability of clinical trials;
- Minimize health disparities through outreach and education;
- Communicate best practices principles to physicians involved in the care of prostate cancer patients; and
- Establish a communication platform for patients and their advocates.

The bill requires the center to work with other agencies, organizations, and institutions to create a systematic approach to community education and awareness.

#### Prostate Advisory Committee v. Council

The Prostate Cancer Advisory Committee (Committee) is created under s. 381.911(3), F.S., to advise and assist the DOH and the Institute in implementing the program. The State Surgeon General is responsible for appointing the following advisory committee members:

- Three persons from prostate cancer survivor groups or cancer-related advocacy groups;
- Three persons who are scientists or clinicians from public universities or research organizations; and
- Three persons who are engaged in the practice of a cancer-related medical specialty from health organizations committed to cancer research and control.

Committee members serve without compensation, but are entitled to reimbursement for per diem and travel expenses.

The bill changes the Committee to the UFPDC Prostate Cancer Advisory Council (Council). The Center is directed to lead the Council in developing and implementing strategies to improve outreach and education to reduce the number of patients who develop prostate cancer. The Executive Director of the Center, in consultation with the DOH's Comprehensive Cancer Control Program<sup>16</sup>, the Florida Cancer Control Program<sup>17</sup>, and the State Surgeon General are to create a geographically and institutionally diverse council, such that the composition includes:

- Two persons from prostate cancer survivor groups or cancer-related advocacy groups;
- A licensed allopathic physician;
- A licensed osteopathic physician;
- A scientist;
- The Executive Director of the UFPDC or a designee; and
- Three persons who are engaged in the practice of a cancer-related medical specialty from health organizations committed to cancer research and control.

The bill states that members of the Council are volunteers and deletes language that allows members to receive reimbursement for per diem and travel expenses. The bill creates 4-year staggered terms for appointed council members and requires them to meet annually, at the call of the Executive Director of the Center, or by a majority vote of the members. The bill stipulates that five members constitute a quorum and an affirmative vote of the majority is required for final actions.

The bill specifies that the Council is required to:

- Present prostate-cancer-related policy recommendations to the DOH and other appropriate governmental entities;

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<sup>16</sup> The Department of Health, Bureau of Chronic Disease Prevention and Health Promotion, Comprehensive Cancer Control Program, was created through a cooperative agreement with the Centers for Disease Control and Prevention (CDC). The program focuses on prevention activities that address risk behaviors, which impede health, such as tobacco use, poor nutrition, lack of physical activity, and UV exposure. Primarily, the program focuses its efforts on colorectal, lung, ovarian, prostate and skin cancers. See: <http://www.doh.state.fl.us/family/cancer/ccc/index.html> (last viewed March 1, 2011).

<sup>17</sup> The Cancer Control and Research Act pursuant to s. 1004.435, F.S., creates within the H. Lee Moffitt Cancer Center and Research Institute, Inc., the Florida Cancer Control and Research Advisory Council. The council shall consist of 34 members, which are tasked with approving the Florida Cancer Plan. The Plan must include guidelines on the care and treatment of persons suffering from cancer and recommend the establishment of standard requirements for the organization, equipment, and conduct of cancer units or departments in hospitals and clinics in this state.

- Assess the accuracy of prostate cancer information disseminated to the public;
- Develop effective communication channels among all private and public entities in the state involved in prostate cancer education, research, treatment, and patient advocacy;
- Plan, develop, and implement activities designed to heighten awareness and educate residents regarding the importance of prostate cancer awareness;
- Disseminate information about recent progress in prostate cancer research and the availability of clinical trials;
- Minimize health disparities through outreach and education;
- Communicate best-practices principles to physicians involved in the care of patients with prostate cancer;
- Solicit grants and funding to conduct an annual prostate cancer symposium; and
- Submit an annual report to the Governor, Legislature, and State Surgeon General by January 15, 2012, and each year thereafter, to recommending legislative changes that:
  - Decrease the incidence of prostate cancer,
  - Decrease disparities among persons diagnosed with prostate cancer, and
  - Promote increased community education and awareness of prostate cancer.

The bill removes outdated language that references a January 2000 Florida Prostate Cancer Taskforce.

**B. SECTION DIRECTORY:**

Section 1. Amends s. 381.911, F.S., relating to the Prostate Cancer Awareness Program.

Section 2. Provides an effective date of July 1, 2011.

**II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

**A. FISCAL IMPACT ON STATE GOVERNMENT:**

1. Revenues:

See Fiscal Comments.

2. Expenditures:

See Fiscal Comments.

**B. FISCAL IMPACT ON LOCAL GOVERNMENTS:**

1. Revenues:

None.

2. Expenditures:

None.

**C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:**

See fiscal comments.

**D. FISCAL COMMENTS:**

In Fiscal Year 2002-2003, the General Appropriations Act (GAA) provided \$200,000 non-recurring general revenue funds for a prostate cancer awareness program.<sup>18</sup> The GAA, via proviso language, provided the Governor the authority to appoint a Florida Prostate Cancer Awareness Task Force to advise the DOH on the use of the funds. The funds were required to be used all or in part to seek pledges for matching funds from philanthropic foundations, industry, corporations, not for profit entities, or private individuals. Additionally, based on the pledges received the state could have elected in

<sup>18</sup> Specific Appropriation 527 found in ch. 2002-394 s. 3, L.O.F.



future years to enact a program for matching funds. According to DOH, the Program has not received any additional state or grant funding since the initial appropriation.<sup>19</sup>

The Center has stated that they currently have funds available to support all the costs associated with implementing the provisions of the bill. According to the Center, the University of Florida, Department of Urology has a total of \$587,456 in unrestricted grant funds, \$ 1.9M in unrestricted philanthropic funds, and are anticipating an additional \$1M in pledged funds, which are available to support the Center's activities.<sup>20</sup>

There will be a cost to the Center to convene the Council, and staff time to implement all the outreach and education initiatives outlined in the bill. The additional responsibilities given to the Center can be implemented using existing resources. The state does not provide budget authority for university grants or philanthropic funds, which are the existing resources the University of Florida will be using to support these additional responsibilities.

### III. COMMENTS

#### A. CONSTITUTIONAL ISSUES:

##### 1. Applicability of Municipality/County Mandates Provision:

Not applicable. The bill does not appear to: require counties or municipalities to spend funds or take an action requiring the expenditure of funds; reduce the authority that counties or municipalities have to raise revenues in the aggregate; or reduce the percentage of a state tax shared with counties or municipalities.

##### 2. Other:

None.

#### B. RULE-MAKING AUTHORITY:

The provisions of the bill do not require rule-making authority to implement.

#### C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

### IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On March 9, 2011, the Health & Human Services Access Subcommittee adopted a strike-all amendment and reported the bill favorably as a committee substitute. The amendment:

- Deletes fiscal language, "To the extent funds are specially made available for this purpose...", allowing the Center to implement the program without a specific state appropriation;
- Removes permissive language and requires the Center to work with other agencies, organizations, and institutions;
- Changes the UFPDC Prostate Cancer Taskforce to the UFPDC Prostate Cancer Advisory Council;
- Requires the advisory council to "assess" the accuracy of prostate cancer information instead of "verifying";
- Removes the requirement that the Taskforce establish a tissue bank; and
- Removes requirement that the Center work with other organizations to develop and maintain a Prostate Cancer Registry.

This analysis is drafted to the committee substitute.

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<sup>19</sup> Per email correspondence with DOH staff on file with the Health & Human Services Access Subcommittee staff (February 18, 2011).

<sup>20</sup> Per email correspondence with Thomas Crawford, MBA, FACHE, Chief Operating Officer, Prostate Disease Center, on file with the Health & Human Services Access Subcommittee staff (February 11, 2011).

1                           A bill to be entitled  
 2           An act relating to the Prostate Cancer Awareness Program;  
 3           amending s. 381.911, F.S.; deleting the funding  
 4           qualification for the Prostate Cancer Awareness Program;  
 5           revising the structure and objectives of the Prostate  
 6           Cancer Awareness Program; authorizing the University of  
 7           Florida Prostate Disease Center, in collaboration with  
 8           other organizations and institutions, to increase  
 9           community education and public awareness of prostate  
 10          cancer; requiring the University of Florida Prostate  
 11          Disease Center to establish a prostate cancer advisory  
 12          council to replace the existing advisory committee;  
 13          providing for membership and duties of the advisory  
 14          council; requiring an annual report to the Governor,  
 15          Legislature, and State Surgeon General; providing an  
 16          effective date.

17  
 18          WHEREAS, the Legislature recognizes that prostate cancer is  
 19          a major public health problem and that promoting awareness of  
 20          this disease is in the public interest of this state, and

21          WHEREAS, according to the Department of Health's Florida  
 22          Cancer Plan 2003-2006, prostate cancer was the most commonly  
 23          diagnosed cancer in Florida, accounting for one in every four  
 24          cancer diagnoses, and

25          WHEREAS, the costs for screening, staging, and treating  
 26          prostate cancer patients in both dollars and morbidity continue  
 27          to rise and threaten the foundation of this state's health  
 28          system, and

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29 WHEREAS, because African-American men are 2.8 times more  
 30 likely to succumb to prostate cancer than their Caucasian  
 31 counterparts, a call for action is mandatory, and

32 WHEREAS, there are currently no organized, active, or  
 33 effective strategies to improve community education and  
 34 awareness regarding the rising incidence of and the racial and  
 35 ethnic disparities related to prostate cancer, and

36 WHEREAS, the Legislature finds that it is in the public  
 37 interest for state agencies and institutions to work with the  
 38 University of Florida Prostate Disease Center to establish the  
 39 prostate cancer advisory council to more effectively serve the  
 40 needs of the people of Florida, NOW, THEREFORE,

41

42 Be Enacted by the Legislature of the State of Florida:

43

44 Section 1. Section 381.911, Florida Statutes, is amended  
 45 to read:

46 381.911 Prostate Cancer Awareness Program. -

47 (1) ~~To the extent that funds are specifically made~~  
 48 ~~available for this purpose, the Prostate Cancer Awareness~~  
 49 ~~Program is established within the Department of Health. The~~  
 50 purpose of this program is ~~to implement the recommendations of~~  
 51 ~~January 2000 of the Florida Prostate Cancer Task Force to~~  
 52 provide for statewide outreach, promote prostate cancer  
 53 awareness, communicate the advantages of early detection, report  
 54 recent progress in prostate cancer research and the availability  
 55 of clinical trials, minimize health disparities through outreach  
 56 and education, communicate best practices principles to

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57 physicians involved in the care of prostate cancer patients, and  
 58 establish a communication platform for patients and their  
 59 advocates and health education activities to ensure that men are  
 60 aware of and appropriately seek medical counseling for prostate  
 61 cancer as an early-detection health care measure.

62 (2) For purposes of implementing the program, the  
 63 University of Florida Prostate Disease Center may work with  
 64 other agencies, organizations, and institutions to create a  
 65 systematic approach to community education and increase public  
 66 awareness regarding prostate cancer by ~~Department of Health and~~  
 67 the ~~Florida Public Health Institute, Inc.,~~ may:

68 (a) Conducting ~~Conduct~~ activities directly or entering  
 69 enter into a contract with a qualified nonprofit community  
 70 education entities ~~entity~~.

71 (b) Seeking ~~Seek~~ any available gifts, grants, or funds  
 72 from the state, the Federal Government, philanthropic  
 73 foundations, and industry or business groups.

74 (3) The University of Florida Prostate Disease Center  
 75 (UFPDC) shall establish the UFPDC Prostate Cancer Advisory  
 76 Council and lead the advisory council in developing and  
 77 implementing strategies to improve outreach and education and  
 78 thereby reduce the number of patients who develop prostate  
 79 cancer. ~~A prostate cancer advisory committee is created to~~  
 80 advise and assist the ~~Department of Health and the Florida~~  
 81 Public Health Institute, Inc., in implementing the program.

82 (a) The executive director of the University of Florida  
 83 Prostate Disease Center shall appoint, in consultation with the  
 84 Department of Health's Comprehensive Cancer Control Program and

85 the State Surgeon General, a geographically and institutionally  
 86 diverse advisory council, which shall appoint the advisory  
 87 ~~committee members, who~~ shall consist of:

88 1. Two ~~Three~~ persons from prostate cancer survivor groups  
 89 or cancer-related advocacy groups.

90 2. Four ~~Three~~ persons, one of whom is a physician licensed  
 91 under chapter 458, one of whom is a physician licensed under  
 92 chapter 459, one of whom is a scientist, and one of whom is the  
 93 executive director of the University of Florida Prostate Disease  
 94 Center or a designee ~~who are scientists or clinicians from~~  
 95 ~~public universities or research organizations.~~

96 3. Three persons who are engaged in the practice of a  
 97 cancer-related medical specialty from health organizations  
 98 committed to cancer research and control.

99 (b) Members shall serve as volunteers without compensation  
 100 ~~but are entitled to reimbursement, pursuant to s. 112.061, for~~  
 101 ~~per diem and travel expenses incurred in the performance of~~  
 102 ~~their official duties.~~

103 (c) Each member of the advisory council shall be appointed  
 104 to a 4-year term; however, for the purpose of providing  
 105 staggered terms, of the initial appointments, four members shall  
 106 be appointed to 2-year terms and four members shall be appointed  
 107 to 4-year terms. The remaining seat shall be filled by the  
 108 executive director of the University of Florida Prostate Disease  
 109 Center or a designee.

110 (d) The advisory council shall meet annually and at other  
 111 times at the call of the executive director of the University of  
 112 Florida Prostate Disease Center or by a majority vote of the

113 members of the advisory council.

114 (e) Five of the members of the advisory council constitute  
 115 a quorum, and an affirmative vote of a majority of the members  
 116 present is required for final action.

117 (f) The advisory council shall:

118 1. Present prostate-cancer-related policy recommendations  
 119 to the Department of Health and other appropriate governmental  
 120 entities.

121 2. Assess the accuracy of prostate cancer information  
 122 disseminated to the public.

123 3. Develop effective communication channels among all  
 124 private and public entities in the state involved in prostate  
 125 cancer education, research, treatment, and patient advocacy.

126 4. Plan, develop, and implement activities designed to  
 127 heighten awareness and educate residents of the state,  
 128 especially those in underserved areas, regarding the importance  
 129 of prostate cancer awareness.

130 5. Disseminate information about recent progress in  
 131 prostate cancer research and the availability of clinical  
 132 trials.

133 6. Minimize health disparities through outreach and  
 134 education.

135 7. Communicate best practices principles to physicians  
 136 involved in the care of patients with prostate cancer.

137 8. Establish a communication platform for patients and  
 138 their advocates.

139 9. Solicit grants or philanthropic funding to conduct an  
 140 annual prostate cancer symposium that brings physicians,

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141 researchers, community leaders, prostate cancer survivors, and  
 142 prostate cancer advocates together to highlight recent advances  
 143 in prostate cancer research, clinical trials, and best practices  
 144 used for the prevention of prostate cancer and to promote  
 145 strategies for successful rural and urban outreach, community  
 146 education, and increased awareness.

147 10. Submit and present an annual report to the Governor,  
 148 the President of the Senate, the Speaker of the House of  
 149 Representatives, and the State Surgeon General by January 15,  
 150 2012, and by January 15 of each following year, which contains  
 151 recommendations for legislative changes necessary to decrease  
 152 the incidence of prostate cancer, decrease racial and ethnic  
 153 disparities among persons diagnosed with prostate cancer, and  
 154 promote increased community education and awareness regarding  
 155 this disease.

156 ~~(4) The program shall coordinate its efforts with those of~~  
 157 ~~the Florida Public Health Institute, Inc.~~

158 Section 2. This act shall take effect July 1, 2011.

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 137 (2011)

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

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1 Committee/Subcommittee hearing bill: Higher Education  
2 Appropriations Subcommittee  
3 Representative(s) Renuart offered the following:

4

5 **Amendment**

6 Remove lines 71-72 and insert:

7 (b) Seeking ~~Seek~~ any available gifts, private grants,  
8 or funds from ~~the state,~~ the Federal Government, philanthropic



COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 137 (2011)

Amendment No. 2

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED \_\_\_\_\_ (Y/N)  
ADOPTED AS AMENDED \_\_\_\_\_ (Y/N)  
ADOPTED W/O OBJECTION \_\_\_\_\_ (Y/N)  
FAILED TO ADOPT \_\_\_\_\_ (Y/N)  
WITHDRAWN \_\_\_\_\_ (Y/N)  
OTHER \_\_\_\_\_

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1 Committee/Subcommittee hearing bill: Higher Education  
2 Appropriations Subcommittee  
3 Representative(s) Renuart offered the following:  
4

5 **Amendment**

6 Remove lines 139-155 and insert:

7 9. Solicit private grants or philanthropic funding to  
8 conduct an annual prostate cancer symposium that brings  
9 physicians, researchers, community leaders, prostate cancer  
10 survivors, and prostate cancer advocates together to highlight  
11 recent advances in prostate cancer research, clinical trials,  
12 and best practices used for the prevention of prostate cancer  
13 and to promote strategies for successful rural and urban  
14 outreach, community education, and increased awareness.

15 10. Submit and present an annual report to the Governor,  
16 the President of the Senate, the Speaker of the House of  
17 Representatives, and the State Surgeon General by January 15,  
18 2012, and by January 15 of each following year, which contains  
19 recommendations for legislative changes necessary to decrease

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 137 (2011)

Amendment No. 2

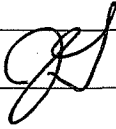

20 the incidence of prostate cancer, decrease racial and ethnic  
21 disparities among persons diagnosed with prostate cancer, and  
22 promote increased community education and awareness regarding  
23 this disease.

24 (4) The University of Florida Prostate Disease Center  
25 (UFPDC) and the UFPDC Prostate Cancer Advisory Council shall be  
26 funded within existing resources of the university.  
27

HB 4177

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** HB 4177 Public Postsecondary Education  
**SPONSOR(S):** Metz and others  
**TIED BILLS:** IDEN./SIM. **BILLS:** SB 632

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) K-20 Innovation Subcommittee	13 Y, 0 N	Guilford	Sherry
2) Higher Education Appropriations Subcommittee		 Garner	Heflin 
3) Education Committee			

**SUMMARY ANALYSIS**

The Board of Governors (BOG) regulation requires all students entering the State University System with less than 60 credit hours to enroll in a minimum of nine credit hours of coursework during one or more summer semesters.<sup>1</sup> Currently, exceptions are made for students who earn nine or more credits from the acceleration mechanisms, such as dual enrollment, early admission, advanced placement, and credit by examination.<sup>2</sup> The bill repeals this statutory exemption from the BOG rule requiring students to earn nine credit hours during a summer semester regardless if they earned nine or more credits from the acceleration mechanisms.

The bill takes effect July 1, 2011.

See Fiscal Comments.

<sup>1</sup> Regulation 6.016, Board of Governors.

<sup>2</sup> Section 1007.27(10), Florida Statutes.

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

STORAGE NAME: h4177b.HEAS.DOCX

DATE: 3/24/2011

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### Current Situation

The Board of Governors (BOG) regulation requires all students entering a state university with fewer than 60 credit hours to earn at least nine credit hours during the at least one summer term prior to graduation. University presidents are authorized to grant hardship waivers to this requirement.<sup>3</sup>

Florida law provides an exemption from the summer enrollment requirement for students who have earned nine or more credits through articulated acceleration mechanisms.<sup>4</sup> Articulated acceleration mechanisms include dual enrollment, early admission, advanced placement, College Level Examination Program, International Baccalaureate, or Advanced International Certificate of Education.<sup>5</sup>

##### Effect of Proposed Changes

The bill repeals this exemption, allowing a state university to require all students to attend at least one summer term regardless if they earned nine or more credits from the acceleration mechanisms. Universities have increased the use of facilities and faculty during the summer term due to the increasing access demands and greater competition. This change will provide state universities with more flexibility regarding course scheduling. Increasing summer term enrollment may shorten the time it takes for students to complete their degrees, which will create more openings for prospective students.<sup>6</sup> The provision could create new costs for students who receive state financial aid, including the Bright Futures Scholarships, if the state scholarship programs are only funded for the fall and spring academic terms.

#### B. SECTION DIRECTORY:

**Section 1:** Repealing s. 1007.27(10), F.S.; relating to Articulated Acceleration Mechanisms; repealing an exemption.

**Section 2:** Providing an effective date of July 1, 2011.

### II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

#### A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

#### B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

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<sup>3</sup> Regulation 6.016, Board of Governors.

<sup>4</sup> Section. 1007.27(10), F.S.

<sup>5</sup> Sections 1007.27, 100.271, and 1007.272, Florida Statutes.

<sup>6</sup> Interview with Board of Governors Staff (March 18, 2011).

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

Requiring students to enroll in at least one summer term during the course of their enrollment would generate additional tuition revenue for the universities during the summer term. The tuition generated would help support related operational costs, such as utilities, and the hiring or retaining of faculty to meet the summer demand. It would also support increased capacity for the summer term and make better year-round use of their facilities. This should provide for more timely completion of degrees and may afford some state universities the ability to admit more students and increase capacity.

The provision could create new costs for students who receive state financial aid, including the Bright Futures Scholarships, if the state scholarship programs are only funded for the fall and spring academic terms. The Bright Futures Scholarships may be used in the summer term if funds are available, but the Legislature has not funded the scholarship for the summer term.<sup>7</sup> Scholarship recipients who would normally qualify for the exemption may be required to find an additional funding source to pay for summer term enrollment.

According to the Department of Education, 21,200 students, who earned a standard high school diploma in 2010, earned nine or more credit hours through an accelerated mechanism, such as Advanced Placement, dual enrollment, International Baccalaureate, or Advanced International Certificate of Education.<sup>8</sup> The average tuition and fee cost per credit hour for the fall 2010-2011 semester was \$166 for a resident undergraduate student and ranged from \$175 at Florida State University to \$149 at New College of Florida. At this average rate, nine credit hours calculated a cost of \$1,481 ranged from \$1,341 to \$1,571. The average tuition and fee cost was \$657 for a non-resident undergraduate student and ranged from \$911 at the University of Florida to \$522 at Florida Agricultural and Mechanical University. At this average rate, nine credit hours calculated a cost of \$5,912 and ranged from \$8,196 to \$4,970.<sup>9</sup> These calculations do not address the additional costs associated with room and board, textbooks, and other living expenses which is an estimated average of an additional \$3,367 for a summer term.<sup>10</sup>

The existing BOG regulation authorizes each university president to grant hardship waivers of the summer term attendance requirement.<sup>11</sup>

### III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

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<sup>7</sup> Section 1009.53(9), Florida Statutes.

<sup>8</sup> Correspondence with the Department of Education, Office of Legislative and Policy Affairs of the Division of Accountability, Research and Measurement, March 15, 2011.

<sup>9</sup> Board of Governors, Fall 2010 Tuition and Fee Report. < <http://www.flbog.org/about/budget/current.php>>

<sup>10</sup> Tuition and Fee Policy Presentation, Board of Governors. February 16, 2011. Confirmed via correspondence with Board of Governors staff.

<sup>11</sup> Regulation 6.016, Board of Governors.

The bill does not require counties or municipalities to spend funds or take an action requiring the expenditure of funds.

The bill does not reduce the authority that counties or municipalities have to raise revenues in the aggregate.

The bill does not reduce the percentage of a state tax sharing with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

#### **IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES**

Not applicable.

HB 4177

2011

1                   A bill to be entitled  
 2           An act relating to public postsecondary education;  
 3           amending s. 1007.27, F.S.; deleting provisions relating to  
 4           the exemption for a student who earns certain credits  
 5           through acceleration mechanisms from any requirement of a  
 6           public postsecondary educational institution mandating  
 7           enrollment during a summer term; providing an effective  
 8           date.

9  
 10 Be It Enacted by the Legislature of the State of Florida:

11  
 12           Section 1. Subsection (10) of section 1007.27, Florida  
 13 Statutes, is amended to read:

14           1007.27 Articulated acceleration mechanisms. —

15           ~~(10) Any student who earns 9 or more credits from one or~~  
 16 ~~more of the acceleration mechanisms provided for in this section~~  
 17 ~~is exempt from any requirement of a public postsecondary~~  
 18 ~~educational institution mandating enrollment during a summer~~  
 19 ~~term.~~

20           Section 2. This act shall take effect July 1, 2011.