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A bill to be entitled
 An act relating to biomedical research; amending s.
 215.5602, F.S.; renaming the Florida Biomedical Research
 Program as the James and Esther King Biomedical Research
 Program; amending ss. 20.435 and 215.5601, F.S., to
 conform; providing an appropriation; providing for
 construction of the act in pari materia with laws enacted
 during the 2003 Regular Session or the 2003 Special
 Session A of the Legislature; providing an effective date.

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

Section 1. Section 215.5602, Florida Statutes, is amended
 to read:

215.5602 James and Esther King ~~Florida~~ Biomedical Research
 Program.--

(1) There is established within the Department of Health
 the James and Esther King ~~Florida~~ Biomedical Research Program
 funded by the proceeds of the Lawton Chiles Endowment Fund
 pursuant to s. 215.5601. The purpose of the James and Esther
King ~~Florida~~ Biomedical Research Program is to provide an annual
 and perpetual source of funding in order to support research
 initiatives that address the health care problems of Floridians
 in the areas of tobacco-related cancer, cardiovascular disease,
 stroke, and pulmonary disease. The long-term goals of the
 program are to:

(a) Improve the health of Floridians by researching better
 prevention, diagnoses, and treatments for cancer, cardiovascular
 disease, stroke, and pulmonary disease.



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30 (b) Expand the foundation of biomedical knowledge relating
31 to the prevention, diagnosis, and treatment of diseases related
32 to tobacco use, including cancer, cardiovascular disease,
33 stroke, and pulmonary disease.

34 (c) Improve the quality of the state's academic health
35 centers by bringing the advances of biomedical research into the
36 training of physicians and other health care providers.

37 (d) Increase the state's per capita funding for research
38 by undertaking new initiatives in public health and biomedical
39 research that will attract additional funding from outside the
40 state.

41 (e) Stimulate economic activity in the state in areas
42 related to biomedical research, such as the research and
43 production of pharmaceuticals, biotechnology, and medical
44 devices.

45 (2) Funds appropriated for the James and Esther King
46 ~~Florida~~ Biomedical Research Program shall be used exclusively
47 for the award of grants and fellowships as established in this
48 section; for research relating to the prevention, diagnosis, and
49 treatment of diseases related to tobacco use, including cancer,
50 cardiovascular disease, stroke, and pulmonary disease; and for
51 expenses incurred in the administration of this section.

52 (3) There is created within the Department of Health the
53 Biomedical Research Advisory Council.

54 (a) The council shall consist of nine members, including:
55 the chief executive officer of the Florida Division of the
56 American Cancer Society, or a designee; the chief executive
57 officer of the Florida/Puerto Rico Affiliate of the American
58 Heart Association, or a designee; and the chief executive
59 officer of the American Lung Association of Florida, or a



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60 designee. The Governor shall appoint the remaining six members
61 of the council, as follows:

62 1. Two members with expertise in the field of biomedical
63 research.

64 2. One member with expertise in the field of behavioral or
65 social research.

66 3. One member from a professional medical organization.

67 4. One member from a research university in the state.

68 5. One member representing the general population of the
69 state.

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71 In making his or her appointments, the Governor shall select
72 primarily, but not exclusively, Floridians with biomedical and
73 lay expertise in the general areas of cancer, cardiovascular
74 disease, stroke, and pulmonary disease. The Governor's
75 appointments shall be for a 3-year term and shall reflect the
76 diversity of the state's population. A council member appointed
77 by the Governor may not serve more than two consecutive terms.

78 (b) The council shall adopt internal organizational
79 procedures as necessary for its efficient organization.

80 (c) The department shall provide such staff, information,
81 and other assistance as is reasonably necessary to assist the
82 council in carrying out its responsibilities.

83 (d) Members of the council shall serve without
84 compensation, but may receive reimbursement as provided in s.
85 112.061 for travel and other necessary expenses incurred in the
86 performance of their official duties.

87 (4) The council shall advise the Secretary of Health as to
88 the direction and scope of the biomedical research program. The



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89 responsibilities of the council may include, but are not limited
90 to:

91 (a) Providing advice on program priorities and emphases.

92 (b) Providing advice on the overall program budget.

93 (c) Participating in periodic program evaluation.

94 (d) Assisting in the development of guidelines to ensure
95 fairness, neutrality, and adherence to the principles of merit
96 and quality in the conduct of the program.

97 (e) Assisting in the development of appropriate linkages
98 to nonacademic entities, such as voluntary organizations, health
99 care delivery institutions, industry, government agencies, and
100 public officials.

101 (f) Developing criteria and standards for the award of
102 research grants.

103 (g) Developing administrative procedures relating to
104 solicitation, review, and award of research grants and
105 fellowships, to ensure an impartial, high-quality peer review
106 system.

107 (h) Developing and supervising research peer review
108 panels.

109 (i) Reviewing reports of peer review panels and making
110 recommendations for research grants and fellowships.

111 (j) Developing and providing oversight regarding
112 mechanisms for the dissemination of research results.

113 (5)(a) Applications for biomedical research funding under
114 the program may be submitted from any university or established
115 research institute in the state. All qualified investigators in
116 the state, regardless of institution affiliation, shall have
117 equal access and opportunity to compete for the research
118 funding.



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119 (b) Grants and fellowships shall be awarded by the
120 Secretary of Health, after consultation with the council, on the
121 basis of scientific merit, as determined by an open competitive
122 peer review process that ensures objectivity, consistency, and
123 high quality. The following types of applications shall be
124 considered for funding:

- 125 1. Investigator-initiated research grants.
- 126 2. Institutional research grants.
- 127 3. Predoctoral and postdoctoral research fellowships.

128 (6) To ensure that all proposals for research funding are
129 appropriate and are evaluated fairly on the basis of scientific
130 merit, the Secretary of Health, in consultation with the
131 council, shall appoint a peer review panel of independent,
132 scientifically qualified individuals to review the scientific
133 content of each proposal and establish its scientific priority
134 score. The priority scores shall be forwarded to the council and
135 must be considered in determining which proposals shall be
136 recommended for funding.

137 (7) The council and the peer review panel shall establish
138 and follow rigorous guidelines for ethical conduct and adhere to
139 a strict policy with regard to conflict of interest. A member of
140 the council or panel may not participate in any discussion or
141 decision with respect to a research proposal by any firm,
142 entity, or agency with which the member is associated as a
143 member of the governing body or as an employee, or with which
144 the member has entered into a contractual arrangement. Meetings
145 of the council and the peer review panels shall be subject to
146 the provisions of chapter 119, s. 286.011, and s. 24, Art. I of
147 the State Constitution.



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148 (8) The department may contract on a competitive-bid basis
 149 with an appropriate entity to administer the program.

150 Administrative expenses may not exceed 15 percent of the total
 151 funds available to the program in any given year.

152 (9) The department, after consultation with the council,
 153 may adopt rules as necessary to implement this section.

154 (10) The council shall submit an annual progress report on
 155 the state of biomedical research in this state to the Governor,
 156 the Secretary of Health, the President of the Senate, and the
 157 Speaker of the House of Representatives by February 1. The
 158 report must include:

159 (a) A list of research projects supported by grants or
 160 fellowships awarded under the program.

161 (b) A list of recipients of program grants or fellowships.

162 (c) A list of publications in peer reviewed journals
 163 involving research supported by grants or fellowships awarded
 164 under the program.

165 (d) The total amount of biomedical research funding
 166 currently flowing into the state.

167 (e) New grants for biomedical research which were funded
 168 based on research supported by grants or fellowships awarded
 169 under the program.

170 (f) Progress in the prevention, diagnosis, and treatment
 171 of diseases related to tobacco use, including cancer,
 172 cardiovascular disease, stroke, and pulmonary disease.

173 Section 2. Paragraph (h) of subsection (1) of section
 174 20.435, Florida Statutes, is amended to read:

175 20.435 Department of Health; trust funds.--

176 (1) The following trust funds are hereby created, to be
 177 administered by the Department of Health:



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178 (h) Biomedical Research Trust Fund.

179 1. Funds to be credited to the trust fund shall consist of
180 funds deposited pursuant to s. 215.5601. Funds shall be used for
181 the purposes of the James and Esther King ~~Florida~~ Biomedical
182 Research Program as specified in s. 215.5602. The trust fund is
183 exempt from the service charges imposed by s. 215.20.

184 2. Notwithstanding the provisions of s. 216.301 and
185 pursuant to s. 216.351, any balance in the trust fund at the end
186 of any fiscal year shall remain in the trust fund at the end of
187 the year and shall be available for carrying out the purposes of
188 the trust fund.

189 3. The trust fund shall, unless terminated sooner, be
190 terminated on July 1, 2004.

191 Section 3. Paragraph (a) of subsection (5) of section
192 215.5601, Florida Statutes, is amended to read:

193 215.5601 Lawton Chiles Endowment Fund.--

194 (5) AVAILABILITY OF FUNDS; USES.--

195 (a) Funds from the endowment which are available for
196 legislative appropriation shall be transferred by the board to
197 the Department of Banking and Finance Tobacco Settlement
198 Clearing Trust Fund, created in s. 17.41, and disbursed in
199 accordance with the legislative appropriation.

200 1. Appropriations by the Legislature to the Department of
201 Health from endowment earnings from the principal set aside for
202 biomedical research shall be from a category called the James
203 and Esther King ~~Florida~~ Biomedical Research Program and shall be
204 deposited into the Biomedical Research Trust Fund in the
205 Department of Health established in s. 20.435.

206 2. Appropriations by the Legislature to the Department of
207 Children and Family Services, the Department of Health, or the



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208 Department of Elderly Affairs for health and human services
209 programs shall be from a category called the Lawton Chiles
210 Endowment Fund Programs and shall be deposited into each
211 department's respective Tobacco Settlement Trust Fund as
212 appropriated.

213 Section 4. The sum of \$3,540,998 is appropriated from the
214 Biomedical Research Trust Fund to the Department of Health to
215 operate the James and Esther King Biomedical Research Program
216 for the 2003-2004 fiscal year.

217 Section 5. If any law amended by this act was also amended
218 by a law enacted at the 2003 Regular Session or the 2003 Special
219 Session A of the Legislature, such laws shall be construed as if
220 they had been enacted at the same session of the Legislature,
221 and full effect shall be given to each if possible.

222 Section 6. This act shall take effect July 1, 2003, or
223 upon becoming a law, whichever occurs later.