

1 A bill to be entitled
2 An act relating to cancer research and treatment;
3 providing a popular name; providing legislative intent;
4 amending s. 210.01, F.S.; providing a definition; amending
5 s. 210.20, F.S.; deleting an obsolete provision directing
6 deposit and payment of cigarette tax funds; providing for
7 the deposit of a portion of cigarette tax funds into the
8 Cancer Research and Treatment Trust Fund for certain uses
9 by the Florida Cancer Council; specifying such uses;
10 specifying a minimum appropriation; creating s. 212.202,
11 F.S.; requiring the council to use cigarette tax
12 collection distributions for certain purposes; requiring
13 Governor and Cabinet approval for capital construction
14 projects; amending s. 381.921, F.S.; authorizing the
15 council to award grants; providing preference criteria;
16 creating ss. 381.922, 381.923, 381.924, and 381.925, F.S.;
17 specifying allocations of certain funds in the Cancer
18 Research and Treatment Trust Fund; requiring Governor and
19 Cabinet approval for capital construction projects;
20 requiring executed contracts for council grants; providing
21 contract requirements; requiring an extraordinary vote for
22 contract amendment approval; requiring the council to work
23 with the Office of Tourism, Trade, and Economic
24 Development to determine economic benefits of grants;
25 requiring a report; specifying report requirements;
26 specifying a time period for council award of grants;
27 providing for reversion of undisbursed funds; requiring
28 the Office of Program Policy and Government Accountability

29 to conduct certain reviews and report to the Legislature;
 30 providing an appropriation; providing an effective date.

31
 32 Be It Enacted by the Legislature of the State of Florida:

33
 34 Section 1. This act may be cited as the "Florida Cancer
 35 Research and Treatment Act."

36 Section 2. It is the intent of the Legislature to
 37 dramatically reduce this state's inordinately high cancer
 38 burden, reducing both cancer incidence and mortality, while
 39 advancing scientific endeavors in this state, making this state
 40 a world-class leader in cancer research and treatment. It is
 41 also the intent of the Legislature to make this state's cancer
 42 research institutions and facilities more competitive in the
 43 pursuit of cancer research grant funding from the National
 44 Institutes of Health's National Cancer Institute and other
 45 sources, with a goal of increasing the allocation of federal
 46 cancer research grants to grantees in this state from the
 47 current level of \$38 million per annum to \$200 million per annum
 48 by 2010. Additionally, it is the intent of the Legislature to
 49 spawn dramatic economic development, particularly in the biotech
 50 industry, through investment in this state's cancer research and
 51 treatment infrastructure.

52 Section 3. Subsections (11) through (18) of section
 53 210.01, Florida Statutes, are renumbered as subsections (12)
 54 through (19), respectively, and new subsection (11) is added to
 55 said section, to read:

56 210.01 Definitions.--When used in this part the following
 57 words shall have the meaning herein indicated:

58 (11) "Council" means the Florida Cancer Council, under the
 59 Department of Health, as established in s. 381.92.

60 Section 4. Subsection (2) of section 210.20, Florida
 61 Statutes, is amended to read:

62 210.20 Employees and assistants; distribution of funds.--

63 (2) As collections are received by the division from such
 64 cigarette taxes, it shall pay the same into a trust fund in the
 65 State Treasury designated "Cigarette Tax Collection Trust Fund"
 66 which shall be paid and distributed as follows:

67 (a) The division shall from month to month certify to the
 68 Chief Financial Officer the amount derived from the cigarette
 69 tax imposed by s. 210.02, less the service charges provided for
 70 in s. 215.20 and less 0.9 percent of the amount derived from the
 71 cigarette tax imposed by s. 210.02, which shall be deposited
 72 into the Alcoholic Beverage and Tobacco Trust Fund, specifying
 73 the amounts to be transferred from the Cigarette Tax Collection
 74 Trust Fund and credited on the basis of 2.9 percent of the net
 75 collections to the Revenue Sharing Trust Fund for Counties and
 76 29.3 percent of the net collections for the funding of indigent
 77 health care to the Public Medical Assistance Trust Fund.

78 (b)1. Beginning January 1, 1999, and continuing for 10
 79 years thereafter, the division shall from month to month certify
 80 to the Chief Financial Officer the amount derived from the
 81 cigarette tax imposed by s. 210.02, less the service charges
 82 provided for in s. 215.20 and less 0.9 percent of the amount
 83 derived from the cigarette tax imposed by s. 210.02, which shall

84 be deposited into the Alcoholic Beverage and Tobacco Trust Fund,
 85 specifying an amount equal to 2.59 percent of the net
 86 collections, and that amount shall be paid to the Board of
 87 Directors of the H. Lee Moffitt Cancer Center and Research
 88 Institute, established under s. 1004.43, by warrant drawn by the
 89 Chief Financial Officer upon the State Treasury. These funds,
 90 which are separate and distinct from the funds earmarked for the
 91 council in paragraph (c), are hereby appropriated monthly out of
 92 the Cigarette Tax Collection Trust Fund, to be used for the
 93 purpose of constructing, furnishing, and equipping a cancer
 94 research facility at the University of South Florida adjacent to
 95 the H. Lee Moffitt Cancer Center and Research Institute. In
 96 fiscal years 1999-2000 and thereafter with the exception of
 97 fiscal year 2008-2009, the appropriation to the H. Lee Moffitt
 98 Cancer Center and Research Institute authorized by this
 99 subparagraph shall not be less than the amount that would have
 100 been paid to the H. Lee Moffitt Cancer Center and Research
 101 Institute for fiscal year 1998-1999 had payments been made for
 102 the entire fiscal year rather than for a 6-month period thereof.

103 ~~2. Beginning July 1, 2002, and continuing through June 30,~~
 104 ~~2004, the division shall, in addition to the distribution~~
 105 ~~authorized in subparagraph 1., from month to month certify to~~
 106 ~~the Chief Financial Officer the amount derived from the~~
 107 ~~cigarette tax imposed by s. 210.02, less the service charges~~
 108 ~~provided for in s. 215.20 and less 0.9 percent of the amount~~
 109 ~~derived from the cigarette tax imposed by s. 210.02, which shall~~
 110 ~~be deposited into the Alcoholic Beverage and Tobacco Trust Fund,~~
 111 ~~specifying an amount equal to 0.2632 percent of the net~~

112 ~~collections, and that amount shall be paid to the Board of~~
113 ~~Directors of the H. Lee Moffitt Cancer Center and Research~~
114 ~~Institute, established under s. 1004.43, by warrant drawn by the~~
115 ~~Chief Financial Officer.~~ Beginning July 1, 2004, and continuing
116 through June 30, 2016, the division shall, in addition to the
117 distribution authorized in subparagraph 1., from month to month
118 certify to the Chief Financial Officer the amount derived from
119 the cigarette tax imposed by s. 210.02, less the service charges
120 provided for in s. 215.20 and less 0.9 percent of the amount
121 derived from the cigarette tax imposed by s. 210.02, which shall
122 be deposited into the Alcoholic Beverage and Tobacco Trust Fund,
123 specifying an amount equal to 1.47 percent of the net
124 collections, and that amount shall be paid to the Board of
125 Directors of the H. Lee Moffitt Cancer Center and Research
126 Institute, established under s. 1004.43, by warrant drawn by the
127 Chief Financial Officer. These funds are appropriated monthly
128 out of the Cigarette Tax Collection Trust Fund, to be used for
129 the purpose of constructing, furnishing, and equipping a cancer
130 research facility at the University of South Florida adjacent to
131 the H. Lee Moffitt Cancer Center and Research Institute. In
132 fiscal years 2004-2005 and thereafter, the appropriation to the
133 H. Lee Moffitt Cancer Center and Research Institute authorized
134 by this subparagraph shall not be less than the amount that
135 would have been paid to the H. Lee Moffitt Cancer Center and
136 Research Institute in fiscal year 2001-2002, had this
137 subparagraph been in effect.

138 (c) Beginning July 1, 2005, and continuing for 5 years
139 thereafter, the division shall from month to month certify to

140 the Chief Financial Officer the amount derived from the
141 cigarette tax imposed by s. 210.02, less the service charges
142 provided for in s. 215.20 and less 0.9 percent of the amount
143 derived from the cigarette tax imposed by s. 210.02, which shall
144 be deposited into the Alcoholic Beverage and Tobacco Trust Fund,
145 specifying an amount equal to 12.9528 percent of the net
146 collections, and that amount shall be deposited into the Cancer
147 Research and Treatment Trust Fund created in s. 381.926 for the
148 use of the Florida Cancer Council established under s. 381.92,
149 by warrant drawn by the Chief Financial Officer upon the State
150 Treasury. These funds are hereby appropriated monthly out of the
151 Cigarette Tax Collection Trust Fund, to be used for the purposes
152 prescribed in s. 381.921 as they relate to:

153 1. Attracting, recruiting, and employing experts in the
154 field of cancer research, with emphasis given to those cancer
155 researchers that will generate increased federal cancer research
156 dollars directed to institutions in the state.

157 2. Providing operational start-up support, including
158 appropriate equipment as determined by the council, for
159 individual cancer researchers or teams of cancer researchers
160 attracted to the state pursuant to subparagraph 1.

161 3. Capital expenditures as they relate to the purposes
162 prescribed in s. 381.921, subject to approval by the Governor
163 and Cabinet.

164 (d) In fiscal years 2005-2006 through 2009-2010, the
165 appropriation to the Florida Cancer Council authorized by
166 paragraph (c) shall not be less than the amount that would have

167 been distributed to the Florida Cancer Council in fiscal year
 168 2004-2005 had the provisions of paragraph (c) been in effect.

169 Section 5. Section 210.202, Florida Statutes, is created
 170 to read:

171 210.202 Florida Cancer Council; expenditure of cigarette
 172 tax proceeds.--The Florida Cancer Council established in s.
 173 381.92 shall use the cigarette tax collections distributed to
 174 the council pursuant to s. 210.20(2)(c) for the purposes
 175 enumerated in s. 381.921. Any capital construction projects
 176 granted by the council pursuant to s. 210.20(2)(c)3. shall
 177 require the approval of the Governor and Cabinet.

178 Section 6. Section 381.921, Florida Statutes, is amended
 179 to read:

180 381.921 Florida Cancer Council mission and duties.--The
 181 council, which shall work in concert with the Florida Center for
 182 Universal Research to Eradicate Disease to ensure that the goals
 183 of the center are advanced, shall endeavor to dramatically
 184 improve cancer research and treatment in this state through:

185 (1) Efforts to significantly expand cancer research
 186 capacity in the state by:

187 (a) Identifying ways to attract new research talent and
 188 attendant national grant-producing researchers to ~~Florida-based~~
 189 cancer research facilities in this state;

190 (b) Implementing a peer-reviewed, competitive process to
 191 identify and fund the best proposals to expand cancer research
 192 institutes in this state;

193 (c) Funding through available resources for those
 194 proposals that demonstrate the greatest opportunity to attract
 195 federal research grants and private financial support;

196 (d) Encouraging the employment of bioinformatics in order
 197 to create a cancer informatics infrastructure that enhances
 198 information and resource exchange and integration through
 199 researchers working in diverse disciplines, to facilitate the
 200 full spectrum of cancer investigations;

201 (e) Facilitating the technical coordination, business
 202 development, and support of intellectual property as it relates
 203 to the advancement of cancer research; and

204 (f) Aiding in other multidisciplinary research-support
 205 activities as they inure to the advancement of cancer research.

206 (2) Efforts to improve both research and treatment through
 207 greater participation in clinical trials networks by:

208 (a) Identifying ways to increase adult enrollment in
 209 cancer clinical trials;

210 (b) Supporting public and private professional education
 211 programs designed to increase the awareness and knowledge about
 212 cancer clinical trials;

213 (c) Providing tools to cancer patients and community-based
 214 oncologists to aid in the identification of cancer clinical
 215 trials available in the state; and

216 (d) Creating opportunities for the state's academic cancer
 217 centers to collaborate with community-based oncologists in
 218 cancer clinical trials networks.

219 (3) Efforts to reduce the impact of cancer on disparate
 220 groups by:

221 (a) Identifying those cancers that disproportionately
 222 impact certain demographic groups; and

223 (b) Building collaborations designed to reduce health
 224 disparities as they relate to cancer.

225
 226 The council may award grants, using a peer-reviewed competitive
 227 process, from the funds generated pursuant to s. 210.20(2)(c)3.
 228 or funds allocated from other sources to execute the purposes
 229 set forth in this section. The council, where possible, shall
 230 give preference to proposals that promote collaborative efforts
 231 between institutions in this state and facilities to advance
 232 cancer research, as well as the detection and treatment of
 233 cancer.

234 Section 7. Section 381.922, Florida Statutes, is created
 235 to read:

236 381.922 Florida Cancer Council grants; apportionment of
 237 allocated funds.--

238 (1) From the funds deposited into the Cancer Research and
 239 Treatment Trust Fund created in s. 381.926 for the purposes
 240 prescribed in s. 381.921, the following allocations shall apply:

241 (a) Up to 40 percent of available proceeds may be used for
 242 grants related to attracting, recruiting, and employing experts
 243 in the field of cancer research, with emphasis given to those
 244 researchers that will generate increased federal research
 245 dollars directed to institutions in this state.

246 (b) Up to 40 percent of available proceeds may be used for
 247 grants related to the provision of operational start-up support
 248 to institutions in this state and facilities for those

249 researchers or teams of researchers recruited to the state
 250 pursuant to paragraph (a), including appropriate equipment as
 251 determined by the council.

252 (c) Up to 20 percent of available proceeds may be used for
 253 grants related to capital projects.

254 (2) Any capital construction projects granted by the
 255 council pursuant to paragraph (1)(c) shall require the approval
 256 of the Governor and Cabinet.

257 Section 8. Section 381.923, Florida Statutes, is created
 258 to read:

259 381.923 Florida Cancer Council grant contracts; required
 260 provisions.--

261 (1) Each grant issued by the council shall require the
 262 execution of a contract with, at a minimum, provisions:

263 (a) Specifying the procedures and schedules that govern
 264 the disbursement of funds under the grant.

265 (b) Specifying the conditions or deliverables that the
 266 grantee or grantees must satisfy before the release of any
 267 disbursement.

268 (c) Governing the ownership of, or security interests in,
 269 real property and personal property, including, but not limited
 270 to, research equipment obtained for private institutions through
 271 state resources, including a provision that if the grant
 272 contract is breached, or if a private sector grantee ceases
 273 operations in this state, such property purchased with state
 274 funds shall revert to the state.

275 (d) Requiring the grantee to be an equal opportunity
 276 employer.

277 (e) Requiring the grantee to submit data quarterly to the
278 council on the activities and performance of the grantee in
279 executing the intent of the grant, including an accounting of
280 the funds disbursed under the grant, the number and nature of
281 the jobs created as a result of the grant activity, and the
282 average wages related thereto.

283 (f) Establishing that the council shall review the
284 activities of the grantee to assess the grantee's financial and
285 operational compliance with the provisions of the contract and
286 with relevant provisions of law.

287 (g) Authorizing the grantee, when feasible, to use
288 information submitted by the grantee to the National Institutes
289 of Health's National Cancer Institute or to other organizations
290 awarding research grants to the grantee to help meet reporting
291 requirements under this section or the contract, if the
292 information satisfies the reporting standards of this section
293 and the contract.

294 (h) Requiring the grantee to allow the council to retain
295 an independent certified accountant licensed in this state
296 pursuant to chapter 473, to inspect the records of the grantee
297 in order to audit the expenditure of funds granted to the
298 grantee. The independent certified accountant may not disclose
299 any confidential or proprietary scientific information of the
300 grantee.

301 (i) Requiring the grantee to maintain liability insurance
302 and governing the coverage level of such insurance.

303 (2) An amendment to a contract executed under this section
304 requires an affirmative vote by at least two-thirds of the
305 council.

306 Section 9. Section 381.924, Florida Statutes, is created
307 to read:

308 381.924 Florida Cancer Council; reporting on performance
309 expectations.--The council shall work with the Office of
310 Tourism, Trade, and Economic Development to ascertain the
311 economic benefits accruing to the state as a result of funds
312 being appropriated to the council for disbursement of grants to
313 carry out the intent prescribed in s. 381.921. The council shall
314 report to the Governor, the President of the Senate, and the
315 Speaker of the House of Representatives in its annual report due
316 by December 15 performance results, at a minimum, addressing:

317 (1) The number and dollar value of cancer research grants
318 obtained by institutions in the state from the National
319 Institutes of Health's National Cancer Institute or sources
320 other than this state, as well as overall cancer research
321 funding in this state.

322 (2) The percentage of total cancer research dollars
323 received by grantees from sources other than this state which is
324 used to conduct cancer research activities by the grantee in
325 this state.

326 (3) The number or value of any patent or licensing
327 agreements, arising from cancer research grants disbursed by the
328 council, executed by the council's grantees.

329 (4) The extent to which cancer research conducted by the
330 council's grantees results in commercial applications.

331 (5) The extent to which grants disbursed by the council
 332 enhance participation in cancer clinical trials, and the
 333 reportable results related to such trials.

334 (6) The number and nature of collaborations on cancer
 335 research between institutions in this state, as well as
 336 partnerships with out-of-state institutions engaged in cancer
 337 research.

338 (7) The number and nature of collaborative partnerships of
 339 council grantees with businesses in this state.

340 (8) The number or value of businesses created as a result
 341 of this state's investment in an enhanced cancer research and
 342 treatment infrastructure, including the number and nature of
 343 jobs created as result of council grants, as well as data on the
 344 average salary per created job.

345 Section 10. Section 381.925, Florida Statutes, is created
 346 to read:

347 381.925 Florida Cancer Council grant disbursements.--The
 348 council shall award grants over a period of 5 fiscal years,
 349 beginning July 1, 2005. The council shall complete disbursement
 350 of the total amount of grant funds appropriated by the
 351 Legislature no later than June 30, 2010, unless grantees fail to
 352 satisfy the prescribed terms and conditions of contracts. Any
 353 funds that are not disbursed by June 30, 2010, shall revert to
 354 the Cancer Research and Treatment Trust Fund created in s.
 355 381.926.

356 Section 11. The Office of Program Policy Analysis and
 357 Government Accountability shall conduct a review of the status
 358 of cancer research and participation in cancer clinical trials

359 in the state to establish baseline measures for the Florida
360 Cancer Council's reporting requirements prescribed in s.
361 381.924, Florida Statutes, and shall report its findings to the
362 President of the Senate and the Speaker of the House of
363 Representatives by November 1, 2005. The office shall review the
364 progress of the council in carrying out its mission and duties
365 prescribed in s. 381.921, Florida Statutes, and shall report to
366 the President of the Senate and the Speaker of the House of
367 Representatives by January 1, 2007. Subsequent reviews shall be
368 due to the President of the Senate and the Speaker of the House
369 of Representatives by January 1, 2010, and January 1, 2012. The
370 initial two reviews under this section may be done in
371 conjunction with the legislatively mandated reviews prescribed
372 in chapter 2003-420, Laws of Florida.

373 Section 12. In addition to the revenues from s. 210.20,
374 Florida Statutes, dedicated from fiscal years 2005-2006 through
375 2009-2010 for investment in the purposes prescribed in s.
376 381.921, Florida Statutes, the sum of \$250 million shall be
377 appropriated from the General Revenue Fund, provided such
378 appropriation is included in the General Appropriations Act for
379 fiscal year 2005-2006, and deposited into the Cancer Research
380 and Treatment Trust Fund created in s. 381.926, Florida
381 Statutes, to further carry out the intent of this act. Unless
382 specified in another enactment, the funds contemplated in this
383 section shall be derived from the nonrecurring General Revenue
384 funds available for appropriation for fiscal year 2005-2006.

385 Section 13. This act shall take effect July 1, 2005.