

CHAMBER ACTION

1 The Health Care General Committee recommends the following:

2
3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to cancer research and treatment;
7 providing a popular name; providing legislative intent;;
8 amending s. 381.921, F.S.; authorizing the Florida Cancer
9 Council to award grants; providing preference criteria;
10 creating ss. 381.922, 381.923, 381.924, and 381.925, F.S.;
11 specifying allocations of certain funds in the Cancer
12 Research and Treatment Trust Fund; requiring Governor and
13 Cabinet approval for capital construction projects;
14 requiring executed contracts for council grants; providing
15 contract requirements; requiring an extraordinary vote for
16 contract amendment approval; requiring the council to work
17 with the Office of Tourism, Trade, and Economic
18 Development to determine economic benefits of grants;
19 requiring a report; specifying report requirements;
20 specifying a time period for council award of grants;
21 providing for reversion of undisbursed funds; requiring
22 the Office of Program Policy and Government Accountability
23 to review the progress of the council and report to the

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24 | Legislature; providing for subsequent reviews and reports;
25 | providing an appropriation; providing an effective date.

26 |

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

28 |

29 | Section 1. This act may be cited as the "Florida Cancer
30 | Research and Treatment Act."

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

47 | Section 3. Section 381.921, Florida Statutes, is amended
48 | to read:

49 | 381.921 Florida Cancer Council mission and duties.--The
50 | council, which shall work in concert with the Florida Center for
51 | Universal Research to Eradicate Disease to ensure that the goals

52 | of the center are advanced, shall endeavor to dramatically
53 | improve cancer research and treatment in this state through:

54 | (1) Efforts to significantly expand cancer research
55 | capacity in the state by:

56 | (a) Identifying ways to attract new research talent and
57 | attendant national grant-producing researchers to ~~Florida-based~~
58 | cancer research facilities in this state;

59 | (b) Implementing a peer-reviewed, competitive process to
60 | identify and fund the best proposals to expand cancer research
61 | institutes in this state;

62 | (c) Funding through available resources for those
63 | proposals that demonstrate the greatest opportunity to attract
64 | federal research grants and private financial support;

65 | (d) Encouraging the employment of bioinformatics in order
66 | to create a cancer informatics infrastructure that enhances
67 | information and resource exchange and integration through
68 | researchers working in diverse disciplines, to facilitate the
69 | full spectrum of cancer investigations;

70 | (e) Facilitating the technical coordination, business
71 | development, and support of intellectual property as it relates
72 | to the advancement of cancer research; and

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

75 | (2) Efforts to improve both research and treatment through
76 | greater participation in clinical trials networks by:

77 | (a) Identifying ways to increase adult enrollment in
78 | cancer clinical trials;

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79 (b) Supporting public and private professional education
80 programs designed to increase the awareness and knowledge about
81 cancer clinical trials;

82 (c) Providing tools to cancer patients and community-based
83 oncologists to aid in the identification of cancer clinical
84 trials available in the state; and

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

88 (3) Efforts to reduce the impact of cancer on disparate
89 groups by:

90 (a) Identifying those cancers that disproportionately
91 impact certain demographic groups; and

92 (b) Building collaborations designed to reduce health
93 disparities as they relate to cancer.

94
95 The council may award grants, using a peer-reviewed competitive
96 process, from funds allocated to execute the purposes set forth
97 in this section. Grants issued by the council may only be
98 awarded to researchers, universities, or other not-for-profit
99 concerns that will engage in grant activity, as described in s.
100 381.922, within this state. The council, where possible, shall
101 give preference to proposals that promote collaborative efforts
102 between institutions in this state and facilities to advance
103 cancer research, as well as the detection and treatment of
104 cancer.

105 Section 4. Section 381.922, Florida Statutes, is created
106 to read:

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107 381.922 Florida Cancer Council grants; apportionment of
108 allocated funds.--

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

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

117 (b) Up to 40 percent of available proceeds may be used for
118 grants related to the provision of operational start-up support
119 to institutions in this state and facilities for those
120 researchers or teams of researchers recruited to the state
121 pursuant to paragraph (a), including appropriate equipment as
122 determined by the council.

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

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

128 Section 5. Section 381.923, Florida Statutes, is created
129 to read:

130 381.923 Florida Cancer Council grant contracts; required
131 provisions.--

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

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

136 (b) Specifying the conditions or deliverables that the
 137 grantee or grantees must satisfy before the release of any
 138 disbursement.

139 (c) Governing the ownership of, or security interests in,
 140 real property and personal property, including, but not limited
 141 to, research equipment obtained for private institutions through
 142 state resources, including a provision that if the grant
 143 contract is breached, or if a private sector grantee ceases
 144 operations in this state, such property purchased with state
 145 funds shall revert to the state.

146 (d) Requiring the grantee to be an equal opportunity
 147 employer.

148 (e) Requiring the grantee to submit data quarterly to the
 149 council on the activities and performance of the grantee in
 150 executing the intent of the grant, including an accounting of
 151 the funds disbursed under the grant, the number and nature of
 152 the jobs created as a result of the grant activity, and the
 153 average wages related thereto.

154 (f) Establishing that the council shall review the
 155 activities of the grantee to assess the grantee's financial and
 156 operational compliance with the provisions of the contract and
 157 with relevant provisions of law.

158 (g) Authorizing the grantee, when feasible, to use
 159 information submitted by the grantee to the National Institutes
 160 of Health's National Cancer Institute or to other organizations
 161 awarding research grants to the grantee to help meet reporting

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162 requirements under this section or the contract, if the
 163 information satisfies the reporting standards of this section
 164 and the contract.

165 (h) Requiring the grantee to allow the council to retain
 166 an independent certified public accountant licensed in this
 167 state pursuant to chapter 473, to inspect the records of the
 168 grantee in order to audit the expenditure of funds granted to
 169 the grantee. The independent certified accountant may not
 170 disclose any confidential or proprietary scientific information
 171 of the grantee.

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

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

177 Section 6. Section 381.924, Florida Statutes, is created
 178 to read:

179 381.924 Florida Cancer Council; reporting on performance
 180 expectations.--The council shall work with the Office of
 181 Tourism, Trade, and Economic Development to ascertain the
 182 economic benefits accruing to the state as a result of funds
 183 being appropriated to the council for disbursement of grants to
 184 carry out the intent prescribed in s. 381.921. The council shall
 185 report to the Governor, the President of the Senate, and the
 186 Speaker of the House of Representatives in its annual report due
 187 by December 15 performance results, at a minimum, addressing:

188 (1) The number and dollar value of cancer research grants
 189 obtained by institutions in the state from the National

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190 Institutes of Health's National Cancer Institute or sources
 191 other than this state, as well as overall cancer research
 192 funding in this state.

193 (2) The percentage of total cancer research dollars
 194 received by grantees from sources other than this state which is
 195 used to conduct cancer research activities by the grantee in
 196 this state.

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

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

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

205 (6) The number and nature of collaborations on cancer
 206 research between institutions in this state, as well as
 207 partnerships with out-of-state institutions engaged in cancer
 208 research.

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

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

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217 The council, in consultation with the Office of Program Policy
 218 Analysis and Government Accountability, shall develop a plan for
 219 ensuring that the performance data in the council's annual
 220 report are maintained by the council and supported by the
 221 council's records.

222 Section 7. Section 381.925, Florida Statutes, is created
 223 to read:

224 381.925 Florida Cancer Council grant disbursements.--The
 225 council shall award grants over a period of 5 fiscal years,
 226 beginning July 1, 2005. The council shall complete disbursement
 227 of the total amount of grant funds appropriated by the
 228 Legislature no later than June 30, 2010, unless grantees fail to
 229 satisfy the prescribed terms and conditions of contracts. Any
 230 funds that are not disbursed by June 30, 2010, shall revert to
 231 the Cancer Research and Treatment Trust Fund created in s.
 232 381.926.

233 Section 8. The Office of Program Policy Analysis and
 234 Government Accountability shall review the progress of the
 235 council in carrying out its mission and duties prescribed in s.
 236 381.921, Florida Statutes, and shall report to the President of
 237 the Senate and the Speaker of the House of Representatives by
 238 January 1, 2007. Subsequent reviews shall be due to the
 239 President of the Senate and the Speaker of the House of
 240 Representatives by January 1, 2010, and January 1, 2012. The
 241 initial two reviews under this section may be done in
 242 conjunction with the legislatively mandated reviews prescribed
 243 in chapter 2003-420, Laws of Florida.

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244 Section 9. The sum of \$250 million shall be appropriated
245 from the General Revenue Fund, provided such appropriation is
246 included in the General Appropriations Act for fiscal year 2005-
247 2006, and deposited into the Cancer Research and Treatment Trust
248 Fund created in s. 381.926, Florida Statutes, to further carry
249 out the intent of this act. Unless specified in another
250 enactment, the funds contemplated in this section shall be
251 derived from the nonrecurring General Revenue funds available
252 for appropriation for fiscal year 2005-2006.

253 Section 10. This act shall take effect July 1, 2005.