

By Senators Fasano, Smith and King

11-1511-05

See HB 1233

1                                   A bill to be entitled

2           An act relating to cancer research and

3           treatment; providing a short title; providing

4           legislative intent; amending s. 210.01, F.S.;

5           providing a definition; amending s. 210.20,

6           F.S.; deleting an obsolete provision directing

7           deposit and payment of cigarette tax funds;

8           providing for the deposit of a portion of

9           cigarette tax funds into the Cancer Research

10          and Treatment Trust Fund for certain uses by

11          the Florida Cancer Council; specifying such

12          uses; specifying a minimum appropriation;

13          creating s. 212.202, F.S.; requiring the

14          council to use cigarette tax collection

15          distributions for certain purposes; requiring

16          Governor and Cabinet approval for capital

17          construction projects; amending s. 381.921,

18          F.S.; authorizing the council to award grants;

19          providing preference criteria; creating ss.

20          381.922, 381.923, 381.924, and 381.925, F.S.;

21          specifying allocations of certain funds in the

22          Cancer Research and Treatment Trust Fund;

23          requiring Governor and Cabinet approval for

24          capital construction projects; requiring

25          executed contracts for council grants;

26          providing contract requirements; requiring an

27          extraordinary vote for contract amendment

28          approval; requiring the council to work with

29          the Office of Tourism, Trade, and Economic

30          Development to determine economic benefits of

31          grants; requiring a report; specifying report

1 requirements; specifying a time period for  
2 council award of grants; providing for  
3 reversion of undisbursed funds; requiring the  
4 Office of Program Policy and Government  
5 Accountability to conduct certain reviews and  
6 report to the Legislature; providing an  
7 appropriation; providing an effective date.  
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9 Be It Enacted by the Legislature of the State of Florida:  
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11 Section 1. This act may be cited as the "Florida  
12 Cancer Research and Treatment Act."

13 Section 2. It is the intent of the Legislature to  
14 dramatically reduce this state's inordinately high cancer  
15 burden, reducing both cancer incidence and mortality, while  
16 advancing scientific endeavors in this state, making this  
17 state a world-class leader in cancer research and treatment.  
18 It is also the intent of the Legislature to make this state's  
19 cancer research institutions and facilities more competitive  
20 in the pursuit of cancer research grant funding from the  
21 National Institutes of Health's National Cancer Institute and  
22 other sources, with a goal of increasing the allocation of  
23 federal cancer research grants to grantees in this state from  
24 the current level of \$38 million per annum to \$200 million per  
25 annum by 2010. Additionally, it is the intent of the  
26 Legislature to spawn dramatic economic development,  
27 particularly in the biotech industry, through investment in  
28 this state's cancer research and treatment infrastructure.

29 Section 3. Subsections (11) through (18) of section  
30 210.01, Florida Statutes, are renumbered as subsections (12)  
31

1 through (19), respectively, and new subsection (11) is added  
2 to that section, to read:

3           210.01 Definitions.--When used in this part the  
4 following words shall have the meaning herein indicated:

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

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

9           210.20 Employees and assistants; distribution of  
10 funds.--

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

15           (a) The division shall from month to month certify to  
16 the Chief Financial Officer the amount derived from the  
17 cigarette tax imposed by s. 210.02, less the service charges  
18 provided for in s. 215.20 and less 0.9 percent of the amount  
19 derived from the cigarette tax imposed by s. 210.02, which  
20 shall be deposited into the Alcoholic Beverage and Tobacco  
21 Trust Fund, specifying the amounts to be transferred from the  
22 Cigarette Tax Collection Trust Fund and credited on the basis  
23 of 2.9 percent of the net collections to the Revenue Sharing  
24 Trust Fund for Counties and 29.3 percent of the net  
25 collections for the funding of indigent health care to the  
26 Public Medical Assistance Trust Fund.

27           (b)1. Beginning January 1, 1999, and continuing for 10  
28 years thereafter, the division shall from month to month  
29 certify to the Chief Financial Officer the amount derived from  
30 the cigarette tax imposed by s. 210.02, less the service  
31 charges provided for in s. 215.20 and less 0.9 percent of the

1 amount derived from the cigarette tax imposed by s. 210.02,  
2 which shall be deposited into the Alcoholic Beverage and  
3 Tobacco Trust Fund, specifying an amount equal to 2.59 percent  
4 of the net collections, and that amount shall be paid to the  
5 Board of Directors of the H. Lee Moffitt Cancer Center and  
6 Research Institute, established under s. 1004.43, by warrant  
7 drawn by the Chief Financial Officer upon the State Treasury.  
8 These funds, which are separate and distinct from the funds  
9 earmarked for the council in paragraph (c), are hereby  
10 appropriated monthly out of the Cigarette Tax Collection Trust  
11 Fund, to be used for the purpose of constructing, furnishing,  
12 and equipping a cancer research facility at the University of  
13 South Florida adjacent to the H. Lee Moffitt Cancer Center and  
14 Research Institute. In fiscal years 1999-2000 and thereafter  
15 with the exception of fiscal year 2008-2009, the appropriation  
16 to the H. Lee Moffitt Cancer Center and Research Institute  
17 authorized by this subparagraph shall not be less than the  
18 amount that would have been paid to the H. Lee Moffitt Cancer  
19 Center and Research Institute for fiscal year 1998-1999 had  
20 payments been made for the entire fiscal year rather than for  
21 a 6-month period thereof.

22 ~~2. Beginning July 1, 2002, and continuing through June~~  
23 ~~30, 2004, the division shall, in addition to the distribution~~  
24 ~~authorized in subparagraph 1., from month to month certify to~~  
25 ~~the Chief Financial Officer the amount derived from the~~  
26 ~~cigarette tax imposed by s. 210.02, less the service charges~~  
27 ~~provided for in s. 215.20 and less 0.9 percent of the amount~~  
28 ~~derived from the cigarette tax imposed by s. 210.02, which~~  
29 ~~shall be deposited into the Alcoholic Beverage and Tobacco~~  
30 ~~Trust Fund, specifying an amount equal to 0.2632 percent of~~  
31 ~~the net collections, and that amount shall be paid to the~~

1 ~~Board of Directors of the H. Lee Moffitt Cancer Center and~~  
2 ~~Research Institute, established under s. 1004.43, by warrant~~  
3 ~~drawn by the Chief Financial Officer.~~ Beginning July 1, 2004,  
4 and continuing through June 30, 2016, the division shall, in  
5 addition to the distribution authorized in subparagraph 1.,  
6 from month to month certify to the Chief Financial Officer the  
7 amount derived from the cigarette tax imposed by s. 210.02,  
8 less the service charges provided for in s. 215.20 and less  
9 0.9 percent of the amount derived from the cigarette tax  
10 imposed by s. 210.02, which shall be deposited into the  
11 Alcoholic Beverage and Tobacco Trust Fund, specifying an  
12 amount equal to 1.47 percent of the net collections, and that  
13 amount shall be paid to the Board of Directors of the H. Lee  
14 Moffitt Cancer Center and Research Institute, established  
15 under s. 1004.43, by warrant drawn by the Chief Financial  
16 Officer. These funds are appropriated monthly out of the  
17 Cigarette Tax Collection Trust Fund, to be used for the  
18 purpose of constructing, furnishing, and equipping a cancer  
19 research facility at the University of South Florida adjacent  
20 to the H. Lee Moffitt Cancer Center and Research Institute. In  
21 fiscal years 2004-2005 and thereafter, the appropriation to  
22 the H. Lee Moffitt Cancer Center and Research Institute  
23 authorized by this subparagraph shall not be less than the  
24 amount that would have been paid to the H. Lee Moffitt Cancer  
25 Center and Research Institute in fiscal year 2001-2002, had  
26 this subparagraph been in effect.

27 (c) Beginning July 1, 2005, and continuing for 5 years  
28 thereafter, the division shall from month to month certify to  
29 the Chief Financial Officer the amount derived from the  
30 cigarette tax imposed by s. 210.02, less the service charges  
31 provided for in s. 215.20 and less 0.9 percent of the amount

1 derived from the cigarette tax imposed by s. 210.02, which  
2 shall be deposited into the Alcoholic Beverage and Tobacco  
3 Trust Fund, specifying an amount equal to 12.9528 percent of  
4 the net collections, and that amount shall be deposited into  
5 the Cancer Research and Treatment Trust Fund created in s.  
6 381.926 for the use of the Florida Cancer Council established  
7 under s. 381.92, by warrant drawn by the Chief Financial  
8 Officer upon the State Treasury. These funds are hereby  
9 appropriated monthly out of the Cigarette Tax Collection Trust  
10 Fund, to be used for the purposes prescribed in s. 381.921 as  
11 they relate to:

12 1. Attracting, recruiting, and employing experts in  
13 the field of cancer research, with emphasis given to those  
14 cancer researchers that will generate increased federal cancer  
15 research dollars directed to institutions in the state.

16 2. Providing operational start-up support, including  
17 appropriate equipment as determined by the council, for  
18 individual cancer researchers or teams of cancer researchers  
19 attracted to the state pursuant to subparagraph 1.

20 3. Capital expenditures as they relate to the purposes  
21 prescribed in s. 381.921, subject to approval by the Governor  
22 and Cabinet.

23 (d) In fiscal years 2005-2006 through 2009-2010, the  
24 appropriation to the Florida Cancer Council authorized by  
25 paragraph (c) shall not be less than the amount that would  
26 have been distributed to the Florida Cancer Council in fiscal  
27 year 2004-2005 had the provisions of paragraph (c) been in  
28 effect.

29 Section 5. Section 210.202, Florida Statutes, is  
30 created to read:  
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1           210.202 Florida Cancer Council; expenditure of  
2 cigarette tax proceeds.--The Florida Cancer Council  
3 established in s. 381.92 shall use the cigarette tax  
4 collections distributed to the council pursuant to s.  
5 210.20(2)(c) for the purposes enumerated in s. 381.921. Any  
6 capital construction projects granted by the council pursuant  
7 to s. 210.20(2)(c)3. shall require the approval of the  
8 Governor and Cabinet.

9           Section 6. Section 381.921, Florida Statutes, is  
10 amended to read:

11           381.921 Florida Cancer Council mission and  
12 duties.--The council, which shall work in concert with the  
13 Florida Center for Universal Research to Eradicate Disease to  
14 ensure that the goals of the center are advanced, shall  
15 endeavor to dramatically improve cancer research and treatment  
16 in this state through:

17           (1) Efforts to significantly expand cancer research  
18 capacity in the state by:

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

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

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

28           (d) Encouraging the employment of bioinformatics in  
29 order to create a cancer informatics infrastructure that  
30 enhances information and resource exchange and integration  
31

1 through researchers working in diverse disciplines, to  
2 facilitate the full spectrum of cancer investigations;

3 (e) Facilitating the technical coordination, business  
4 development, and support of intellectual property as it  
5 relates to the advancement of cancer research; and

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

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

11 (a) Identifying ways to increase adult enrollment in  
12 cancer clinical trials;

13 (b) Supporting public and private professional  
14 education programs designed to increase the awareness and  
15 knowledge about cancer clinical trials;

16 (c) Providing tools to cancer patients and  
17 community-based oncologists to aid in the identification of  
18 cancer clinical trials available in the state; and

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

22 (3) Efforts to reduce the impact of cancer on  
23 disparate groups by:

24 (a) Identifying those cancers that disproportionately  
25 impact certain demographic groups; and

26 (b) Building collaborations designed to reduce health  
27 disparities as they relate to cancer.

28  
29 The council may award grants, using a peer-reviewed  
30 competitive process, from the funds generated pursuant to s.  
31 210.20(2)(c)3. or funds allocated from other sources to



1 execute the purposes set forth in this section. The council,  
2 where possible, shall give preference to proposals that  
3 promote collaborative efforts between institutions in this  
4 state and facilities to advance cancer research, as well as  
5 the detection and treatment of cancer.

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

8 381.922 Florida Cancer Council grants; apportionment  
9 of allocated funds.--

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

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

19 (b) Up to 40 percent of available proceeds may be used  
20 for grants related to the provision of operational start-up  
21 support to institutions in this state and facilities for those  
22 researchers or teams of researchers recruited to the state  
23 pursuant to paragraph (a), including appropriate equipment as  
24 determined by the council.

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

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

30 Section 8. Section 381.923, Florida Statutes, is  
31 created to read:

1           381.923 Florida Cancer Council grant contracts;  
2 required provisions.--

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

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

7           (b) Specifying the conditions or deliverables that the  
8 grantee or grantees must satisfy before the release of any  
9 disbursement.

10           (c) Governing the ownership of, or security interests  
11 in, real property and personal property, including, but not  
12 limited to, research equipment obtained for private  
13 institutions through state resources, including a provision  
14 that if the grant contract is breached, or if a private sector  
15 grantee ceases operations in this state, such property  
16 purchased with state funds shall revert to the state.

17           (d) Requiring the grantee to be an equal opportunity  
18 employer.

19           (e) Requiring the grantee to submit data quarterly to  
20 the council on the activities and performance of the grantee  
21 in executing the intent of the grant, including an accounting  
22 of the funds disbursed under the grant, the number and nature  
23 of the jobs created as a result of the grant activity, and the  
24 average wages related thereto.

25           (f) Establishing that the council shall review the  
26 activities of the grantee to assess the grantee's financial  
27 and operational compliance with the provisions of the contract  
28 and with relevant provisions of law.

29           (g) Authorizing the grantee, when feasible, to use  
30 information submitted by the grantee to the National  
31 Institutes of Health's National Cancer Institute or to other

1 organizations awarding research grants to the grantee to help  
2 meet reporting requirements under this section or the  
3 contract, if the information satisfies the reporting standards  
4 of this section and the contract.

5 (h) Requiring the grantee to allow the council to  
6 retain an independent certified accountant licensed in this  
7 state pursuant to chapter 473, to inspect the records of the  
8 grantee in order to audit the expenditure of funds granted to  
9 the grantee. The independent certified accountant may not  
10 disclose any confidential or proprietary scientific  
11 information of the grantee.

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

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

17 Section 9. Section 381.924, Florida Statutes, is  
18 created to read:

19 381.924 Florida Cancer Council; reporting on  
20 performance expectations.--The council shall work with the  
21 Office of Tourism, Trade, and Economic Development to  
22 ascertain the economic benefits accruing to the state as a  
23 result of funds being appropriated to the council for  
24 disbursement of grants to carry out the intent prescribed in  
25 s. 381.921. The council shall report to the Governor, the  
26 President of the Senate, and the Speaker of the House of  
27 Representatives in its annual report due by December 15  
28 performance results, at a minimum, addressing:

29 (1) The number and dollar value of cancer research  
30 grants obtained by institutions in the state from the National  
31 Institutes of Health's National Cancer Institute or sources

1 other than this state, as well as overall cancer research  
2 funding in this state.

3 (2) The percentage of total cancer research dollars  
4 received by grantees from sources other than this state which  
5 is used to conduct cancer research activities by the grantee  
6 in this state.

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

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

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

15 (6) The number and nature of collaborations on cancer  
16 research between institutions in this state, as well as  
17 partnerships with out-of-state institutions engaged in cancer  
18 research.

19 (7) The number and nature of collaborative  
20 partnerships of council grantees with businesses in this  
21 state.

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

27 Section 10. Section 381.925, Florida Statutes, is  
28 created to read:

29 381.925 Florida Cancer Council grant  
30 disbursements.--The council shall award grants over a period  
31 of 5 fiscal years, beginning July 1, 2005. The council shall

1 complete disbursement of the total amount of grant funds  
2 appropriated by the Legislature no later than June 30, 2010,  
3 unless grantees fail to satisfy the prescribed terms and  
4 conditions of contracts. Any funds that are not disbursed by  
5 June 30, 2010, shall revert to the Cancer Research and  
6 Treatment Trust Fund created in s. 381.926.

7       Section 11. The Office of Program Policy Analysis and  
8 Government Accountability shall conduct a review of the status  
9 of cancer research and participation in cancer clinical trials  
10 in the state to establish baseline measures for the Florida  
11 Cancer Council's reporting requirements prescribed in section  
12 381.924, Florida Statutes, and shall report its findings to  
13 the President of the Senate and the Speaker of the House of  
14 Representatives by November 1, 2005. The office shall review  
15 the progress of the council in carrying out its mission and  
16 duties prescribed in section 381.921, Florida Statutes, and  
17 shall report to the President of the Senate and the Speaker of  
18 the House of Representatives by January 1, 2007. Subsequent  
19 reviews shall be due to the President of the Senate and the  
20 Speaker of the House of Representatives by January 1, 2010,  
21 and January 1, 2012. The initial two reviews under this  
22 section may be done in conjunction with the legislatively  
23 mandated reviews prescribed in chapter 2003-420, Laws of  
24 Florida.

25       Section 12. In addition to the revenues from section  
26 210.20, Florida Statutes, dedicated from fiscal years  
27 2005-2006 through 2009-2010 for investment in the purposes  
28 prescribed in section 381.921, Florida Statutes, the sum of  
29 \$250 million shall be appropriated from the General Revenue  
30 Fund, provided such appropriation is included in the General  
31 Appropriations Act for fiscal year 2005-2006, and deposited

1 into the Cancer Research and Treatment Trust Fund created in  
2 section 381.926, Florida Statutes, to further carry out the  
3 intent of this act. Unless specified in another enactment, the  
4 funds contemplated in this section shall be derived from the  
5 nonrecurring General Revenue funds available for appropriation  
6 for fiscal year 2005-2006.

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