

## 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 biomedical research; providing  
7 legislative intent; amending s. 20.435, F.S.; authorizing  
8 the use of funds in the Biomedical Research Trust Fund for  
9 the purposes of the William G. "Bill" Bankhead, Jr., and  
10 David Coley Cancer Research Program; amending s. 215.5601,  
11 F.S.; providing for deposit of certain proceeds of the  
12 Lawton Chiles Endowment Fund into the Biomedical Research  
13 Trust Fund for purposes of the William G. "Bill" Bankhead,  
14 Jr., and David Coley Cancer Research Program; amending s.  
15 215.5602, F.S.; revising the membership and the method for  
16 appointing members to the Biomedical Research Advisory  
17 Council; requiring the council to award grants for cancer  
18 research through the William G. "Bill" Bankhead, Jr., and  
19 David Coley Cancer Research Program; providing for the  
20 repeal of the James and Esther King Biomedical Research  
21 Program; requiring the Legislature to review the program  
22 prior to the repeal; providing for transition to new  
23 appointments; amending s. 381.855, F.S.; revising the

Page 1 of 24

24 membership of the advisory council for the Florida Center  
25 for Universal Research to Eradicate Disease; providing for  
26 terms of office and the filling of vacancies; providing  
27 for officers, meetings, and procedures; providing for  
28 transition to new appointments; amending s. 381.921, F.S.;  
29 revising a goal of the Florida Cancer Council; creating s.  
30 381.922, F.S.; establishing the William G. "Bill"  
31 Bankhead, Jr., and David Coley Cancer Research Program  
32 within the Department of Health; providing the purpose of  
33 the program; requiring the program to provide grants for  
34 cancer research; providing procedures for awarding cancer  
35 research grants; providing for peer review panels;  
36 providing requirements with respect to ethical conduct and  
37 conflicts of interest; providing for public records and  
38 meetings; requiring an annual report; providing for the  
39 repeal of William G. "Bill" Bankhead, Jr., and David Coley  
40 Cancer Research Program; requiring the Legislature to  
41 review the program prior to the repeal; amending s.  
42 381.98, F.S., revising the purpose, duties, and authority  
43 of the Florida Public Health Foundation, Inc.; amending s.  
44 430.41, F.S., providing for the Governor to certify  
45 certain funds for a certain number of years; amending s.  
46 561.121, F.S.; redistributing certain funds collected from  
47 taxes on alcoholic beverages; amending s. 1004.445, F.S.;  
48 revising the method of appointing and filling vacancies on  
49 the board of directors of the Johnnie B. Byrd, Sr.,  
50 Alzheimer's Center and Research Institute; requiring  
51 certain information in the annual report; requiring an

HB 1027 CS

2006  
CS

52 | annual operating budget; providing procedures for awarding  
53 | of Alzheimer's disease research grants; providing for peer  
54 | review panels; providing requirements with respect to  
55 | ethical conduct and conflicts of interest; providing for  
56 | public records and meetings; providing for the repeal of  
57 | Johnnie B. Byrd, Sr., Alzheimer's Center and Research  
58 | Institute; requiring the Legislature to review the center  
59 | and institute prior to the repeal; providing for  
60 | transition to new appointments; providing appropriations;  
61 | providing effective dates.

62 |  
63 | Be It Enacted by the Legislature of the State of Florida:

64 |  
65 | Section 1. It is the intent of the Legislature to provide  
66 | funding to support grants for biomedical research in this state  
67 | with the anticipation that sustained funding for biomedical  
68 | research over a period of years will lead to an alleviation of  
69 | human suffering from diseases such as cancer and Alzheimer's  
70 | disease. It is the intent of the Legislature to dramatically  
71 | reduce this state's inordinately high cancer burden, reducing  
72 | both cancer incidence and mortality, while advancing scientific  
73 | endeavors in this state, making this state a world-class leader  
74 | in cancer research and treatment. Further, it is the intent of  
75 | the Legislature to address the debilitating and deadly effects  
76 | of Alzheimer's disease by supporting research in Alzheimer's  
77 | disease statewide through the awarding of research grants on a  
78 | competitive basis. Additionally, it is the intent of the  
79 | Legislature to stimulate dramatic economic development,

Page 3 of 24

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

hb1027-03-c3

HB 1027 CS

2006  
CS

80 particularly in the biotechnology industry, through investment  
81 in this state's biomedical research.

82 Section 2. Paragraph (h) of subsection (1) of section  
83 20.435, Florida Statutes, is amended to read:

84 20.435 Department of Health; trust funds.--

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

87 (h) Biomedical Research Trust Fund.

88 1. Funds to be credited to the trust fund shall consist of  
89 funds deposited pursuant to s. 215.5601. Funds shall be used for  
90 the purposes of the James and Esther King Biomedical Research  
91 Program and the William G. "Bill" Bankhead, Jr., and David Coley  
92 Cancer Research Program as specified in ss. 215.5602, and  
93 288.955, and 381.922. The trust fund is exempt from the service  
94 charges imposed by s. 215.20.

95 2. Notwithstanding the provisions of s. 216.301 and  
96 pursuant to s. 216.351, any balance in the trust fund at the end  
97 of any fiscal year shall remain in the trust fund at the end of  
98 the year and shall be available for carrying out the purposes of  
99 the trust fund. The department may invest these funds  
100 independently through the Chief Financial Officer or may  
101 negotiate a trust agreement with the State Board of  
102 Administration for the investment management of any balance in  
103 the trust fund.

104 3. Notwithstanding s. 216.301 and pursuant to s. 216.351,  
105 any balance of any appropriation from the Biomedical Research  
106 Trust Fund which is not disbursed but which is obligated  
107 pursuant to contract or committed to be expended may be

HB 1027 CS

2006  
CS

108 certified by the Governor for up to 3 years following the  
109 effective date of the original appropriation.

110 4. The trust fund shall, unless terminated sooner, be  
111 terminated on July 1, 2008.

112 Section 3. Paragraph (a) of subsection (5) of section  
113 215.5601, Florida Statutes, is amended to read:

114 215.5601 Lawton Chiles Endowment Fund.--

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

116 (a) Funds from the endowment which are available for  
117 legislative appropriation shall be transferred by the board to  
118 the Department of Financial Services Tobacco Settlement Clearing  
119 Trust Fund, created in s. 17.41, and disbursed in accordance  
120 with the legislative appropriation.

121 1. Appropriations by the Legislature to the Department of  
122 Health from endowment earnings from the principal set aside for  
123 biomedical research shall be from a category called the James  
124 and Esther King Biomedical Research Program and a category  
125 called the William G. "Bill" Bankhead, Jr., and David Coley  
126 Cancer Research Program and shall be deposited into the  
127 Biomedical Research Trust Fund in the Department of Health  
128 established in s. 20.435.

129 2. Appropriations by the Legislature to the Department of  
130 Children and Family Services, the Department of Health, or the  
131 Department of Elderly Affairs from endowment earnings for health  
132 and human services programs shall be deposited into each  
133 department's respective Tobacco Settlement Trust Fund as  
134 appropriated.

HB 1027 CS

2006  
CS

135 Section 4. Subsection (3) of section 215.5602, Florida  
136 Statutes, is amended, and subsections (11) through (14) are  
137 added to that section, to read:

138 215.5602 James and Esther King Biomedical Research  
139 Program.--

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

142 (a) The council shall consist of 11 ~~nine~~ members,  
143 including: the chief executive officer of the Florida Division  
144 of the American Cancer Society, or a designee; the chief  
145 executive officer of the Florida/Puerto Rico Affiliate of the  
146 American Heart Association, or a designee; and the chief  
147 executive officer of the American Lung Association of Florida,  
148 or a designee. ~~The Governor shall appoint the remaining eight~~  
149 ~~six~~ members of the council shall be appointed, as follows:

150 1. The Governor shall appoint four members, two members  
151 with expertise in the field of biomedical research, one member  
152 from a research university in the state, and one member  
153 representing the general population of the state.

154 2. The President of the Senate shall appoint two members,  
155 one member with expertise in the field of behavioral or social  
156 research and one representative from a cancer program approved  
157 by the American College of Surgeons.

158 3. The Speaker of the House of Representatives shall  
159 appoint two members, one member from a professional medical  
160 organization and one representative from a cancer program  
161 approved by the American College of Surgeons.

162 ~~4. One member from a research university in the state.~~

163 ~~5. One member representing the general population of the~~  
164 ~~state.~~

165  
166 In making these ~~his or her~~ appointments, the Governor, the  
167 President of the Senate, and the Speaker of the House of  
168 Representatives shall select primarily, but not exclusively,  
169 Floridians with biomedical and lay expertise in the general  
170 areas of cancer, cardiovascular disease, stroke, and pulmonary  
171 disease. The ~~Governor's~~ appointments shall be for a 3-year term  
172 and shall reflect the diversity of the state's population. An  
173 appointed ~~A council member appointed by the Governor~~ may not  
174 serve more than two consecutive terms.

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

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

180 (d) Members of the council shall serve without  
181 compensation, but may receive reimbursement as provided in s.  
182 112.061 for travel and other necessary expenses incurred in the  
183 performance of their official duties.

184 (11) The council shall award grants for cancer research  
185 through the William G. "Bill" Bankhead, Jr., and David Coley  
186 Cancer Research Program created in s. 381.922.

187 (12) By June 1, 2009, the Division of Statutory Revision  
188 of the Office of Legislative Services shall certify to the  
189 President of the Senate and the Speaker of the House of

HB 1027 CS

2006  
CS

190 Representatives the language and statutory citation of this  
 191 section, which is scheduled to expire January 1, 2011.

192 (13) The Legislature shall review the performance, the  
 193 outcomes, and the financial management of the James and Esther  
 194 King Biomedical Research Program during the 2010 Regular Session  
 195 of the Legislature and shall determine the most appropriate  
 196 funding source and means of funding the program based on its  
 197 review.

198 (14) This section expires January 1, 2011, unless reviewed  
 199 and reenacted by the Legislature before that date.

200 Section 5. All appointments to the Biomedical Research  
 201 Advisory Council for the James and Esther King Biomedical  
 202 Research Program that were not made in accordance with s.  
 203 215.5602, Florida Statutes, as amended by this act, shall expire  
 204 June 30, 2006, but such appointees may continue to serve until  
 205 their successors are appointed. This section shall take effect  
 206 upon this act becoming a law.

207 Section 6. Subsection (5) of section 381.855, Florida  
 208 Statutes, is amended, and subsections (6) and (7) are added to  
 209 that section, to read:

210 381.855 Florida Center for Universal Research to Eradicate  
 211 Disease.--

212 (5) There is established within the center an advisory  
 213 council that shall meet at least annually.

214 (a) The council shall consist of one representative from a  
 215 Florida not-for-profit institution engaged in basic and clinical  
 216 biomedical research and education which receives more than \$10  
 217 million in annual grant funding from the National Institutes of



HB 1027 CS

2006  
CS

218 Health, to be appointed by the Secretary of Health from a  
219 different institution each term, and ~~the members of the board of~~  
220 ~~directors of the Florida Research Consortium and at least one~~  
221 ~~representative from~~ and appointed by each of the following  
222 entities:

- 223 ~~1. The Emerging Technology Commission.~~  
224 ~~1.2.~~ Enterprise Florida, Inc.  
225 ~~2.3.~~ BioFlorida.  
226 ~~3.4.~~ The Biomedical Research Advisory Council.  
227 ~~4.5.~~ The Florida Medical Foundation.  
228 ~~5.6.~~ Pharmaceutical Research and Manufacturers of America.  
229 ~~7. The Florida Tri-Agency Coalition on Smoking OR Health.~~  
230 ~~6.8.~~ The Florida Cancer Council.  
231 ~~7.9.~~ The American Cancer Society, Florida Division, Inc.  
232 ~~8.10.~~ The American Heart Association.  
233 ~~9.11.~~ The American Lung Association of Florida.  
234 ~~10.12.~~ The American Diabetes Association, South Coastal  
235 Region.  
236 ~~11.13.~~ The Alzheimer's Association.  
237 ~~12.14.~~ The Epilepsy Foundation.  
238 ~~13.15.~~ The National Parkinson Foundation.  
239 ~~14.16.~~ The Florida Public Health Foundation, Inc.  
240 ~~15.17.~~ The Florida Research Consortium ~~Scripps Florida or~~  
241 ~~the entity formed in this state by The Scripps Research~~  
242 ~~Institute.~~

243 (b) Members of the council shall serve without  
244 compensation, and each organization represented shall cover all  
245 expenses of its representative.

Page 9 of 24

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

hb1027-03-c3

HB 1027 CS

2006  
CS

246       (6) Members shall be appointed to 4-year terms of office.  
 247       The members of the advisory council shall annually elect a chair  
 248       from among the members of the advisory council. Any vacancy on  
 249       the advisory council shall be filled in the same manner as the  
 250       original appointment.

251       (7) The advisory council shall meet at least annually, but  
 252       may meet as often as it deems necessary to carry out its duties  
 253       and responsibilities. The advisory council may take official  
 254       action by a majority vote of the members present at any meeting  
 255       at which a quorum is present.

256       Section 7. All appointments to the advisory council for  
 257       the Florida Center for Universal Research to Eradicate Disease  
 258       which were not made in accordance with s. 381.855, Florida  
 259       Statutes, as amended by this act, shall expire June 30, 2006,  
 260       but such appointees may continue to serve until their successors  
 261       are appointed. This section shall take effect upon this act  
 262       becoming a law.

263       Section 8. Subsection (1) of section 381.921, Florida  
 264       Statutes, is amended to read:

265       381.921 Florida Cancer Council mission and duties.--The  
 266       council, which shall work in concert with the Florida Center for  
 267       Universal Research to Eradicate Disease to ensure that the goals  
 268       of the center are advanced, shall endeavor to dramatically  
 269       improve cancer research and treatment in this state through:

270       (1) Efforts to significantly expand cancer research  
 271       capacity in the state by:

HB 1027 CS

2006  
CS

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

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

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

281 (d) Encouraging the employment of bioinformatics in order  
 282 to create a cancer informatics infrastructure that enhances  
 283 information and resource exchange and integration through  
 284 researchers working in diverse disciplines, to facilitate the  
 285 full spectrum of cancer investigations;

286 (e) Facilitating the technical coordination, business  
 287 development, and support of intellectual property as it relates  
 288 to the advancement of cancer research; and

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

291 Section 9. Section 381.922, Florida Statutes, is created  
 292 to read:

293 381.922 William G. "Bill" Bankhead, Jr., and David Coley  
 294 Cancer Research Program.--

295 (1) The William G. "Bill" Bankhead, Jr., and David Coley  
 296 Cancer Research Program, which may be otherwise cited as the  
 297 "Bankhead-Coley Program," is created within the Department of  
 298 Health funded by the proceeds of the Lawton Chiles Endowment  
 299 Fund pursuant to s. 215.5601. The purpose of the program shall

300 be to advance progress towards cures for cancer through grants  
301 awarded through a peer-reviewed, competitive process.

302 (2) The program shall provide grants for cancer research  
303 to further the search for cures for cancer.

304 (a) Emphasis shall be given to the goals enumerated in s.  
305 381.921, as those goals support the advancement of such cures.

306 (b) Preference may be given to grant proposals that foster  
307 collaborations among institutions, researchers, and community  
308 practitioners, as such proposals support the advancement of  
309 cures through basic or applied research, including clinical  
310 trials involving cancer patients and related networks.

311 (3)(a) Applications for funding for cancer research may be  
312 submitted by any university or established research institute in  
313 the state. All qualified investigators in the state, regardless  
314 of institutional affiliation, shall have equal access and  
315 opportunity to compete for the research funding. Collaborative  
316 proposals, including those that advance the program's goals  
317 enumerated in subsection (2), may be given preference. Grants  
318 shall be awarded by the Secretary of Health, after consultation  
319 with the Biomedical Research Advisory Council, on the basis of  
320 scientific merit, as determined by an open, competitive peer  
321 review process that ensures objectivity, consistency, and high  
322 quality. The following types of applications shall be considered  
323 for funding:

324 1. Investigator-initiated research grants.

325 2. Institutional research grants.

326 3. Collaborative research grants, including those that  
327 advance the finding of cures through basic or applied research.

328        (b) In order to ensure that all proposals for research  
329 funding are appropriate and are evaluated fairly on the basis of  
330 scientific merit, the Secretary of Health, in consultation with  
331 the council, shall appoint a peer review panel of independent,  
332 scientifically qualified individuals to review the scientific  
333 content of each proposal and establish its priority score. The  
334 priority scores shall be forwarded to the council and must be  
335 considered in determining which proposals shall be recommended  
336 for funding.

337        (c) The council and the peer review panel shall establish  
338 and follow rigorous guidelines for ethical conduct and adhere to  
339 a strict policy with regard to conflicts of interest. A member  
340 of the council or panel may not participate in any discussion or  
341 decision with respect to a research proposal by any firm,  
342 entity, or agency with which the member is associated as a  
343 member of the governing body or as an employee or with which the  
344 member has entered into a contractual arrangement. Meetings of  
345 the council and the peer review panels are subject to chapter  
346 119, s. 286.011, and s. 24, Art. I of the State Constitution.

347        (4) By December 15 of each year, the Department of Health  
348 shall submit to the Governor, the President of the Senate, and  
349 the Speaker of the House of Representatives a report indicating  
350 progress towards the program's mission and making  
351 recommendations that further its purpose.

352        (5) By June 1, 2009, the Division of Statutory Revision of  
353 the Office of Legislative Services shall certify to the  
354 President of the Senate and the Speaker of the House of

355 Representatives the language and statutory citation of this  
 356 section, which is scheduled to expire January 1, 2011.

357 (6) The Legislature shall review the performance, the  
 358 outcomes, and the financial management of the William G. "Bill"  
 359 Bankhead, Jr., and David Coley Cancer Research Program during  
 360 the 2010 Regular Session of the Legislature and shall determine  
 361 the most appropriate funding source and means of funding the  
 362 program based on its review.

363 (7) This section expires January 1, 2011, unless reviewed  
 364 and reenacted by the Legislature before that date.

365 Section 10. Subsection (1) of section 381.98, Florida  
 366 Statutes, is amended, present subsection (10) is renumbered as  
 367 subsection (12), and new subsections (10) and (11) are added to  
 368 that section, to read:

369 381.98 The Florida Public Health Foundation, Inc.;  
 370 establishment; purpose; mission; duties; board of directors.--

371 (1) The Florida Public Health Foundation, Inc., referred  
 372 to in this section as "the corporation," is established for the  
 373 purpose of disseminating breakthrough findings in biomedical  
 374 research and promoting health awareness in this state and  
 375 providing services to the Department of Health.

376 (10) The corporation may provide personnel to the  
 377 Department of Health for the purpose of performing duties and  
 378 responsibilities outlined in private and public grants received  
 379 by the Department of Health. These personnel are not state  
 380 employees and are not entitled to retirement credit and other  
 381 benefits provided to state employees under chapters 110 and 112.

HB 1027 CS

2006  
CS

382 These personnel shall perform services pursuant to an agreement  
 383 between the corporation and the Department of Health.

384 (11) The corporation may purchase goods, services, and  
 385 property for use by the Department of Health. These purchases  
 386 are not subject to the provisions of chapters 253, 255, and 287,  
 387 nor to the control or direction of the Department of  
 388 Environmental Protection or the Department of Management  
 389 Services.

390 Section 11. Subsection (3) is added to section 430.41,  
 391 Florida Statutes, to read:

392 430.41 Grants and Donations Trust Fund.--

393 (3) Notwithstanding s. 216.301 and pursuant to s. 216.351,  
 394 any balance of any general revenue appropriation to the Grants  
 395 and Donations Trust Fund that is not disbursed but that is  
 396 obligated pursuant to contract or committed to be expended may  
 397 be certified by the Governor for up to 3 years following the  
 398 effective date of the original appropriation.

399 Section 12. Subsection (1) of section 561.121, Florida  
 400 Statutes, is amended to read:

401 561.121 Deposit of revenue.--

402 (1) All state funds collected pursuant to ss. 563.05,  
 403 564.06, and 565.12 shall be paid into the State Treasury and  
 404 disbursed in the following manner:

405 (a)~~1.~~ Two percent of monthly collections of the excise  
 406 taxes on alcoholic beverages established in ss. 563.05, 564.06,  
 407 and 565.12 shall be deposited into the Alcoholic Beverage and  
 408 Tobacco Trust Fund to meet the division's appropriation for the  
 409 state fiscal year.

HB 1027 CS

2006  
CS

410           ~~2. Beginning July 1, 2004, there is annually distributed~~  
411           ~~\$15 million to the Grants and Donations Trust Fund within the~~  
412           ~~Department of Elderly Affairs, and these funds are annually~~  
413           ~~appropriated to support a contract with the Johnnie B. Byrd,~~  
414           ~~Sr., Alzheimer's Center and Research Institute at the University~~  
415           ~~of South Florida for the purposes of conducting research,~~  
416           ~~developing and operating integrated data projects, and providing~~  
417           ~~assistance to memory disorder clinics as established in s.~~  
418           ~~430.502.~~

419           ~~3. Beginning July 1, 2004, there is annually distributed~~  
420           ~~\$6 million to the Biomedical Research Trust Fund within the~~  
421           ~~Department of Health, and these funds are annually appropriated~~  
422           ~~to the James and Esther King Biomedical Research Program. From~~  
423           ~~these funds, up to \$250,000 shall be available annually for the~~  
424           ~~operating costs of the Florida Center for Universal Research to~~  
425           ~~Eradicate Disease.~~

426           ~~4. Beginning July 1, 2004, there is annually distributed~~  
427           ~~\$9 million to be paid by warrant drawn by the Chief Financial~~  
428           ~~Officer upon the State Treasury to Florida State University for~~  
429           ~~the School of Chiropractic Medicine. Notwithstanding the~~  
430           ~~provisions of chapter 216, until the School of Chiropractic~~  
431           ~~Medicine is completely staffed and fully operational, these~~  
432           ~~funds may be used for any purpose by the university.~~

433           (b) The remainder of the funds collected pursuant to ss.  
434           563.05, 564.06, and 565.12 ~~collection~~ shall be credited to the  
435           General Revenue Fund.

436           Section 13. Subsections (2) and (6) of section 1004.445,  
437           Florida Statutes, are amended, present subsections (8), (9), and



HB 1027 CS

2006  
CS

438 (10) are renumbered as subsections (9), (10), and (11),  
439 respectively, and new subsections (8), (12), (13), and (14) are  
440 added to that section, to read:

441 1004.445 Johnnie B. Byrd, Sr., Alzheimer's Center and  
442 Research Institute.--

443 (2)(a) The State Board of Education shall enter into an  
444 agreement for the utilization of the facilities on the campus of  
445 the University of South Florida to be known as the Johnnie B.  
446 Byrd, Sr., Alzheimer's Center and Research Institute, including  
447 all furnishings, equipment, and other chattels used in the  
448 operation of those facilities, with a Florida not-for-profit  
449 corporation organized solely for the purpose of governing and  
450 operating the Johnnie B. Byrd, Sr., Alzheimer's Center and  
451 Research Institute. This not-for-profit corporation, acting as  
452 an instrumentality of the state, shall govern and operate the  
453 Johnnie B. Byrd, Sr., Alzheimer's Center and Research Institute  
454 in accordance with the terms of the agreement between the State  
455 Board of Education and the not-for-profit corporation. The not-  
456 for-profit corporation may, with the prior approval of the State  
457 Board of Education, create either for-profit or not-for-profit  
458 corporate subsidiaries, or both, to fulfill its mission. The  
459 not-for-profit corporation and its subsidiaries are authorized  
460 to receive, hold, invest, and administer property and any moneys  
461 acquired from private, local, state, and federal sources, as  
462 well as technical and professional income generated or derived  
463 from practice activities of the institute, for the benefit of  
464 the institute and the fulfillment of its mission.

465           (b)~~1~~. The affairs of the not-for-profit corporation shall  
 466 be managed by a board of directors who shall serve without  
 467 compensation. The board of directors shall consist of the  
 468 President of the University of South Florida and the chair of  
 469 the State Board of Education, or their designees, five 5  
 470 representatives of the state universities, and nine ~~no fewer~~  
 471 ~~than 9 nor more than 14~~ representatives of the public who are  
 472 neither medical doctors nor state employees. Each director who  
 473 is a representative of a state university or of the public shall  
 474 be appointed to serve a term of 3 years. The chair of the board  
 475 of directors shall be selected by a majority vote of the  
 476 directors. Each director shall have only one vote.

477           2. ~~The initial board of directors shall consist of the~~  
 478 ~~President of the University of South Florida and the chair of~~  
 479 ~~the State Board of Education, or their designees; the~~ Of the  
 480 five university representatives, ~~of whom~~ one shall be appointed  
 481 by the Governor, two by the President of the Senate, and two by  
 482 the Speaker of the House of Representatives; and of the nine  
 483 public representatives, ~~of whom~~ three shall be appointed by the  
 484 Governor, three by the President of the Senate, and three by the  
 485 Speaker of the House of Representatives. ~~Upon the expiration of~~  
 486 ~~the terms of the initial appointed directors, all directors~~  
 487 ~~subject to 3 year terms of office under this paragraph shall be~~  
 488 ~~appointed by a majority vote of the directors and the board may~~  
 489 ~~be expanded to include additional public representative~~  
 490 ~~directors up to the maximum number allowed.~~ Any vacancy in  
 491 office shall be filled in the same manner as the original

HB 1027 CS

2006  
CS

492 appointment ~~for the remainder of the term by majority vote of~~  
493 ~~the directors~~. Any director may be reappointed.

494 (6) The institute shall be administered by a chief  
495 executive officer, who shall be appointed by and serve at the  
496 pleasure of the board of directors of the not-for-profit  
497 corporation, and who shall exercise the following powers and  
498 duties, subject to the approval of the board of directors:

499 (a) The chief executive officer shall establish programs  
500 that fulfill the mission of the institute in research,  
501 education, treatment, prevention, and early detection of  
502 Alzheimer's disease; however, the chief executive officer may  
503 not establish academic programs for which academic credit is  
504 awarded and which culminate in the conferring of a degree,  
505 without prior approval of the State Board of Education.

506 (b) The chief executive officer shall have control over  
507 the budget and the moneys appropriated or donated to the  
508 institute from private, local, state, and federal sources, as  
509 well as technical and professional income generated or derived  
510 from practice activities of the institute. However, professional  
511 income generated by university faculty from practice activities  
512 at the institute shall be shared between the institute and the  
513 university as determined by the chief executive officer and the  
514 appropriate university dean or vice president.

515 (c) The chief executive officer shall appoint  
516 representatives of the institute to carry out the research,  
517 patient care, and educational activities of the institute and  
518 establish the compensation, benefits, and terms of service of  
519 such representatives. Representatives of the institute shall be

HB 1027 CS

2006  
CS

520 eligible to hold concurrent appointments at affiliated academic  
521 institutions. University faculty shall be eligible to hold  
522 concurrent appointments at the institute.

523 (d) The chief executive officer shall have control over  
524 the use and assignment of space and equipment within the  
525 facilities.

526 (e) The chief executive officer shall have the power to  
527 create the administrative structure necessary to carry out the  
528 mission of the institute.

529 (f) The chief executive officer shall have a reporting  
530 relationship to the Commissioner of Education.

531 (g) The chief executive officer shall provide a copy of  
532 the institute's annual report to the Governor and Cabinet, the  
533 President of the Senate, the Speaker of the House of  
534 Representatives, and the chair of the State Board of Education.  
535 The annual report shall describe the expenditure of all funds  
536 and shall provide information regarding research that has been  
537 conducted or funded by the center, as well as the expected and  
538 actual results of such research.

539 (h) By August 1 of each year, the chief executive officer  
540 shall develop and submit to the Governor and Cabinet, the  
541 President of the Senate, the Speaker of the House of  
542 Representatives, and the chair of the State Board of Education  
543 an annual operating budget detailing the planned use of state,  
544 federal, and private funds for the fiscal year.

545 (8) (a) Applications for Alzheimer's disease research  
546 funding may be submitted from any university or established  
547 research institute in the state. All qualified investigators in

HB 1027 CS

2006  
CS

548 the state, regardless of institutional affiliation, shall have  
549 equal access and opportunity to compete for the research  
550 funding. Grants shall be awarded by the board of directors of  
551 the not-for-profit corporation on the basis of scientific merit,  
552 as determined by an open, competitive peer review process that  
553 ensures objectivity, consistency, and high quality. The  
554 following types of applications shall be considered for funding:

- 555 1. Investigator-initiated research grants.
- 556 2. Institutional research grants.
- 557 3. Collaborative research grants, including those that  
558 advance the finding of cures through basic or applied research.

559 (b) Preference may be given to grant proposals that foster  
560 collaboration among institutions, researchers, and community  
561 practitioners because these proposals support the advancement of  
562 cures through basic or applied research, including clinical  
563 trials involving Alzheimer's patients and related networks.

564 (c) To ensure that all proposals for research funding are  
565 appropriate and are evaluated fairly on the basis of scientific  
566 merit, the board of directors of the not-for-profit corporation,  
567 in consultation with the council of scientific advisors, shall  
568 appoint a peer review panel of independent, scientifically  
569 qualified individuals to review the scientific content of each  
570 proposal and establish its scientific priority score. The  
571 priority scores shall be forwarded to the council and must be  
572 considered in determining which proposals shall be recommended  
573 for funding.

574 (d) The council of scientific advisors and the peer review  
575 panel shall establish and follow rigorous guidelines for ethical

HB 1027 CS

2006  
CS

576 conduct and adhere to a strict policy with regard to conflict of  
577 interest. All employees, members of the board of directors, and  
578 affiliates of the not-for-profit corporation shall follow the  
579 same rigorous guidelines for ethical conduct and shall adhere to  
580 the same strict policy with regard to conflict of interest. A  
581 member of the council or panel may not participate in any  
582 discussion or decision with respect to a research proposal by  
583 any firm, entity, or agency with which the member is associated  
584 as a member of the governing body or as an employee or with  
585 which the member has entered into a contractual arrangement.  
586 Meetings of the council and the peer review panels are subject  
587 to chapter 119, s. 286.011, and s. 24, Art. I of the State  
588 Constitution.

589 (12) By June 1, 2009, the Division of Statutory Revision  
590 of the Office of Legislative Services shall certify to the  
591 President of the Senate and the Speaker of the House of  
592 Representatives the language and statutory citation of this  
593 section, which is scheduled to expire January 1, 2011.

594 (13) The Legislature shall review the performance, the  
595 outcomes, and the financial management of the Johnnie B. Byrd,  
596 Sr., Alzheimer's Center and Research Institute during the 2010  
597 Regular Session of the Legislature and shall determine the most  
598 appropriate funding source and means of funding the center and  
599 institute based on its review.

600 (14) This section expires January 1, 2011, unless reviewed  
601 and reenacted by the Legislature before that date.

602 Section 14. All appointments to the board of directors of  
603 the not-for-profit corporation for the Johnnie B. Byrd, Sr.,

HB 1027 CS

2006  
CS

604 Alzheimer's Center and Research Institute that were not made in  
605 accordance with s. 1004.445, Florida Statutes, as amended by  
606 this act, shall expire June 30, 2006, but such appointees may  
607 continue to serve until their successors are appointed. This  
608 section shall take effect upon this act becoming a law.

609       Section 15. (1) The sum of \$6 million is appropriated  
610 from recurring general revenue funds to the Biomedical Research  
611 Trust Fund within the Department of Health for fiscal year 2006-  
612 2007 for purposes of the James and Esther King Biomedical  
613 Research Program pursuant to s. 215.5602, Florida Statutes. From  
614 these funds up to \$250,000 shall be available for the operating  
615 costs of the Florida Center for Universal Research to Eradicate  
616 Disease.

617       (2) The sum of \$9 million is appropriated from recurring  
618 general revenue funds to the Biomedical Research Trust Fund  
619 within the Department of Health for purposes of the William G.  
620 "Bill" Bankhead, Jr., and David Coley Cancer Research Program  
621 for the 2006-2007 fiscal year, and shall be distributed pursuant  
622 to s. 381.922, Florida Statutes, to provide grants to  
623 researchers seeking cures for cancer, with emphasis given to the  
624 goals enumerated in s. 381.921, Florida Statutes. From the total  
625 funds appropriated, an amount of up to 10 percent may be used  
626 for administrative expenses.

627       (3) The sum of \$15 million is appropriated from recurring  
628 general revenue funds to the Grants and Donations Trust Fund  
629 within the Department of Elderly Affairs for the Johnnie B.  
630 Byrd, Sr., Alzheimer's Center and Research Institute at the  
631 University of South Florida for fiscal year 2006-2007 for the

HB 1027 CS

2006  
CS

632 | purposes of conducting and supporting research, providing  
633 | institutional research grants and investigator-initiated  
634 | research grants, developing and operating integrated data  
635 | projects, and providing assistance to statutorily designated  
636 | memory disorder clinics as provided under s. 430.502, Florida  
637 | Statutes. Not less than 80 percent of the appropriated funds  
638 | shall be expended for these purposes and not less than 20  
639 | percent of the appropriated funds shall be expended for peer-  
640 | reviewed investigator-initiated research grants.

641 |       Section 16. Except as otherwise expressly provided in this  
642 | act and except for this section, which shall take effect upon  
643 | this act becoming a law, this act shall take effect July 1,  
644 | 2006.