

1 A bill to be entitled
2 An act relating to biomedical research; providing
3 legislative intent; amending s. 20.435, F.S.; authorizing
4 the use of funds in the Biomedical Research Trust Fund for
5 the purposes of the William G. "Bill" Bankhead, Jr., and
6 David Coley Cancer Research Program; amending s. 215.5602,
7 F.S.; revising the membership and the method for
8 appointing members to the Biomedical Research Advisory
9 Council; requiring the council to award grants for cancer
10 research through the William G. "Bill" Bankhead, Jr., and
11 David Coley Cancer Research Program; providing for the
12 repeal of the James and Esther King Biomedical Research
13 Program; requiring the Legislature to review the program
14 prior to the repeal; providing for transition to new
15 appointments; amending s. 381.855, F.S.; revising the
16 membership of the advisory council for the Florida Center
17 for Universal Research to Eradicate Disease; providing for
18 terms of office and the filling of vacancies; providing
19 for officers, meetings, and procedures; providing for
20 transition to new appointments; amending s. 381.921, F.S.;
21 revising a goal of the Florida Cancer Council; creating s.
22 381.922, F.S.; establishing the William G. "Bill"
23 Bankhead, Jr., and David Coley Cancer Research Program
24 within the Department of Health; providing the purpose of
25 the program; requiring the program to provide grants for
26 cancer research; providing procedures for awarding cancer
27 research grants; providing for peer review panels;

28 providing requirements with respect to ethical conduct and
29 conflicts of interest; providing for public records and
30 meetings; requiring an annual report; providing for the
31 repeal of William G. "Bill" Bankhead, Jr., and David Coley
32 Cancer Research Program; requiring the Legislature to
33 review the program prior to the repeal; amending s.
34 381.98, F.S., revising the purpose, duties, and authority
35 of the Florida Public Health Foundation, Inc.; revising
36 the membership of the board of directors of the
37 corporation; amending s. 430.41, F.S., providing for the
38 Governor to certify certain funds for a certain number of
39 years; amending s. 561.121, F.S.; redistributing certain
40 funds collected from taxes on alcoholic beverages;
41 amending s. 1004.445, F.S.; revising the method of
42 appointing and filling vacancies on the Johnnie B. Byrd,
43 Sr., Alzheimer's Center and Research Institute board of
44 directors; requiring certain information in the annual
45 report; requiring an annual operating budget; providing
46 procedures for awarding of Alzheimer's disease research
47 grants; providing for peer review panels; providing
48 requirements with respect to ethical conduct and conflicts
49 of interest; providing for public records and meetings;
50 providing for the repeal of Johnnie B. Byrd, Sr.,
51 Alzheimer's Center and Research Institute; requiring the
52 Legislature to review the center and institute prior to
53 the repeal; providing appropriations; providing for the
54 transition of new appointments to the board of directors

55 of the not-for-profit corporation for the Johnnie B. Byrd,
56 Sr., Alzheimer's Center and Research Institute; providing
57 effective dates.

58
59 Be It Enacted by the Legislature of the State of Florida:

60
61 Section 1. It is the intent of the Legislature to provide
62 funding to support grants for biomedical research in this state
63 with the anticipation that sustained funding for biomedical
64 research over a period of years will lead to an alleviation of
65 human suffering from diseases such as cancer and Alzheimer's
66 disease. It is the intent of the Legislature to dramatically
67 reduce this state's inordinately high cancer burden, reducing
68 both cancer incidence and mortality, while advancing scientific
69 endeavors in this state, making this state a world-class leader
70 in cancer research and treatment. Further, it is the intent of
71 the Legislature to address the debilitating and deadly effects
72 of Alzheimer's disease by supporting research in Alzheimer's
73 disease statewide through the awarding of research grants on a
74 competitive basis. Additionally, it is the intent of the
75 Legislature to stimulate dramatic economic development,
76 particularly in the biotechnology industry, through investment
77 in this state's biomedical research.

78 Section 2. Paragraph (h) of subsection (1) of section
79 20.435, Florida Statutes, is amended to read:

80 20.435 Department of Health; trust funds.--

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

83 (h) Biomedical Research Trust Fund.

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

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

101 3. Notwithstanding s. 216.301 and pursuant to s. 216.351,
102 any balance of any appropriation from the Biomedical Research
103 Trust Fund which is not disbursed but which is obligated
104 pursuant to contract or committed to be expended may be
105 certified by the Governor for up to 3 years following the
106 effective date of the original appropriation.

107 4. The trust fund shall, unless terminated sooner, be
 108 terminated on July 1, 2008.

109 Section 3. Subsection (3) of section 215.5602, Florida
 110 Statutes, is amended, and subsections (11) through (14) are
 111 added to that section, to read:

112 215.5602 James and Esther King Biomedical Research
 113 Program.--

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

116 (a) The council shall consist of 11 ~~nine~~ members,
 117 including: the chief executive officer of the Florida Division
 118 of the American Cancer Society, or a designee; the chief
 119 executive officer of the Florida/Puerto Rico Affiliate of the
 120 American Heart Association, or a designee; and the chief
 121 executive officer of the American Lung Association of Florida,
 122 or a designee. ~~The Governor shall appoint the remaining~~ eight
 123 ~~six~~ members of the council shall be appointed, as follows:

124 1. The Governor shall appoint four members, two members
 125 with expertise in the field of biomedical research, one member
 126 from a research university in the state, and one member
 127 representing the general population of the state.

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

132 3. The Speaker of the House of Representatives shall
 133 appoint two members, one member from a professional medical

134 organization and one representative from a cancer program
 135 approved by the American College of Surgeons.

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

137 ~~5. One member representing the general population of the~~
 138 ~~state.~~

139
 140 In making these ~~his or her~~ appointments, the Governor, the
 141 President of the Senate, and the Speaker of the House of
 142 Representatives shall select primarily, but not exclusively,
 143 Floridians with biomedical and lay expertise in the general
 144 areas of cancer, cardiovascular disease, stroke, and pulmonary
 145 disease. The ~~Governor's~~ appointments shall be for a 3-year term
 146 and shall reflect the diversity of the state's population. An
 147 appointed ~~A council member appointed by the Governor~~ may not
 148 serve more than two consecutive terms.

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

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

154 (d) Members of the council shall serve without
 155 compensation, but may receive reimbursement as provided in s.
 156 112.061 for travel and other necessary expenses incurred in the
 157 performance of their official duties.

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

161 (12) Beginning in fiscal year 2006-2007, the sum of \$6
162 million is appropriated annually from recurring funds in the
163 General Revenue Fund to the Biomedical Research Trust Fund
164 within the Department of Health for purposes of the James and
165 Esther King Biomedical Research Program pursuant to this
166 section. From these funds up to \$250,000 shall be available for
167 the operating costs of the Florida Center for Universal Research
168 to Eradicate Disease.

169 (13) By June 1, 2009, the Division of Statutory Revision
170 of the Office of Legislative Services shall certify to the
171 President of the Senate and the Speaker of the House of
172 Representatives the language and statutory citation of this
173 section, which is scheduled to expire January 1, 2011.

174 (14) The Legislature shall review the performance, the
175 outcomes, and the financial management of the James and Esther
176 King Biomedical Research Program during the 2010 Regular Session
177 of the Legislature and shall determine the most appropriate
178 funding source and means of funding the program based on its
179 review.

180 (15) This section expires January 1, 2011, unless reviewed
181 and reenacted by the Legislature before that date.

182 Section 4. All appointments to the Biomedical Research
183 Advisory Council for the James and Esther King Biomedical
184 Research Program that were not made in accordance with s.
185 215.5602, Florida Statutes, as amended by this act, shall expire
186 June 30, 2006, but such appointees may continue to serve until

187 their successors are appointed. This section shall take effect
188 upon this act becoming a law.

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

192 381.855 Florida Center for Universal Research to Eradicate
193 Disease.--

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

196 (a) The council shall consist of one representative from a
197 Florida not-for-profit institution engaged in basic and clinical
198 biomedical research and education which receives more than \$10
199 million in annual grant funding from the National Institutes of
200 Health, to be appointed by the Secretary of Health from a
201 different institution each term, and ~~the members of the board of~~
202 directors of the Florida Research Consortium and at least one
203 representative from and appointed by each of the following
204 entities:

205 ~~1. The Emerging Technology Commission.~~

206 ~~1.2. Enterprise Florida, Inc.~~

207 ~~2.3. BioFlorida.~~

208 ~~3.4. The Biomedical Research Advisory Council.~~

209 ~~4.5. The Florida Medical Foundation.~~

210 ~~5.6. Pharmaceutical Research and Manufacturers of America.~~

211 ~~7. The Florida Tri-Agency Coalition on Smoking OR Health.~~

212 ~~6.8. The Florida Cancer Council.~~

213 ~~7.9. The American Cancer Society, Florida Division, Inc.~~

- 214 ~~8.10.~~ The American Heart Association.
- 215 ~~9.11.~~ The American Lung Association of Florida.
- 216 ~~10.12.~~ The American Diabetes Association, South Coastal
- 217 Region.
- 218 ~~11.13.~~ The Alzheimer's Association.
- 219 ~~12.14.~~ The Epilepsy Foundation.
- 220 ~~13.15.~~ The National Parkinson Foundation.
- 221 ~~14.16.~~ The Florida Public Health Foundation, Inc.
- 222 ~~15.17.~~ The Florida Research Consortium ~~Scripps Florida or~~
- 223 ~~the entity formed in this state by The Scripps Research~~
- 224 ~~Institute.~~

225 (b) Members of the council shall serve without

226 compensation, and each organization represented shall cover all

227 expenses of its representative.

228 (6) Members shall be appointed to 4-year terms of office.

229 The members of the advisory council shall annually elect a chair

230 from among the members of the advisory council. Any vacancy on

231 the advisory council shall be filled in the same manner as the

232 original appointment.

233 (7) The advisory council shall meet at least annually, but

234 may meet as often as it deems necessary to carry out its duties

235 and responsibilities. The advisory council may take official

236 action by a majority vote of the members present at any meeting

237 at which a quorum is present.

238 Section 6. All appointments to the advisory council for

239 the Florida Center for Universal Research to Eradicate Disease

240 which were not made in accordance with s. 381.855, Florida

241 Statutes, as amended by this act, shall expire June 30, 2006,
 242 but such appointees may continue to serve until their successors
 243 are appointed. This section shall take effect upon this act
 244 becoming a law.

245 Section 7. Subsection (1) of section 381.921, Florida
 246 Statutes, is amended to read:

247 381.921 Florida Cancer Council mission and duties.--The
 248 council, which shall work in concert with the Florida Center for
 249 Universal Research to Eradicate Disease to ensure that the goals
 250 of the center are advanced, shall endeavor to dramatically
 251 improve cancer research and treatment in this state through:

252 (1) Efforts to significantly expand cancer research
 253 capacity in the state by:

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

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

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

263 (d) Encouraging the employment of bioinformatics in order
 264 to create a cancer informatics infrastructure that enhances
 265 information and resource exchange and integration through
 266 researchers working in diverse disciplines, to facilitate the
 267 full spectrum of cancer investigations;

268 (e) Facilitating the technical coordination, business
269 development, and support of intellectual property as it relates
270 to the advancement of cancer research; and

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

273 Section 8. Section 381.922, Florida Statutes, is created
274 to read:

275 381.922 William G. "Bill" Bankhead, Jr., and David Coley
276 Cancer Research Program.--

277 (1) The William G. "Bill" Bankhead, Jr., and David Coley
278 Cancer Research Program, which may be otherwise cited as the
279 "Bankhead-Coley Program," is created within the Department of
280 Health. The purpose of the program shall be to advance progress
281 towards cures for cancer through grants awarded through a peer-
282 reviewed, competitive process.

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

285 (a) Emphasis shall be given to the goals enumerated in s.
286 381.921, as those goals support the advancement of such cures.

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

292 (3) (a) Applications for funding for cancer research may be
293 submitted by any university or established research institute in
294 the state. All qualified investigators in the state, regardless

295 of institutional affiliation, shall have equal access and
296 opportunity to compete for the research funding. Collaborative
297 proposals, including those that advance the program's goals
298 enumerated in subsection (2), may be given preference. Grants
299 shall be awarded by the Secretary of Health, after consultation
300 with the Biomedical Research Advisory Council, on the basis of
301 scientific merit, as determined by an open, competitive peer
302 review process that ensures objectivity, consistency, and high
303 quality. The following types of applications shall be considered
304 for funding:

- 305 1. Investigator-initiated research grants.
- 306 2. Institutional research grants.
- 307 3. Collaborative research grants, including those that
308 advance the finding of cures through basic or applied research.

309 (b) In order to ensure that all proposals for research
310 funding are appropriate and are evaluated fairly on the basis of
311 scientific merit, the Secretary of Health, in consultation with
312 the council, shall appoint a peer review panel of independent,
313 scientifically qualified individuals to review the scientific
314 content of each proposal and establish its priority score. The
315 priority scores shall be forwarded to the council and must be
316 considered in determining which proposals shall be recommended
317 for funding.

318 (c) The council and the peer review panel shall establish
319 and follow rigorous guidelines for ethical conduct and adhere to
320 a strict policy with regard to conflicts of interest. A member
321 of the council or panel may not participate in any discussion or

322 decision with respect to a research proposal by any firm,
323 entity, or agency with which the member is associated as a
324 member of the governing body or as an employee or with which the
325 member has entered into a contractual arrangement. Meetings of
326 the council and the peer review panels are subject to chapter
327 119, s. 286.011, and s. 24, Art. I of the State Constitution.

328 (4) By December 15 of each year, the Department of Health
329 shall submit to the Governor, the President of the Senate, and
330 the Speaker of the House of Representatives a report indicating
331 progress towards the program's mission and making
332 recommendations that further its purpose.

333 (5) Beginning in fiscal year 2006-2007, the sum of \$9
334 million is appropriated annually from recurring funds in the
335 General Revenue Fund to the Biomedical Research Trust Fund
336 within the Department of Health for purposes of the William G.
337 "Bill" Bankhead, Jr., and David Coley Cancer Research Program
338 and shall be distributed pursuant to this section to provide
339 grants to researchers seeking cures for cancer, with emphasis
340 given to the goals enumerated in s. 381.921. From the total
341 funds appropriated, an amount of up to 10 percent may be used
342 for administrative expenses.

343 (6) By June 1, 2009, the Division of Statutory Revision of
344 the Office of Legislative Services shall certify to the
345 President of the Senate and the Speaker of the House of
346 Representatives the language and statutory citation of this
347 section, which is scheduled to expire January 1, 2011.

348 (7) The Legislature shall review the performance, the
349 outcomes, and the financial management of the William G. "Bill"
350 Bankhead, Jr., and David Coley Cancer Research Program during
351 the 2010 Regular Session of the Legislature and shall determine
352 the most appropriate funding source and means of funding the
353 program based on its review.

354 (8) This section expires January 1, 2011, unless reviewed
355 and reenacted by the Legislature before that date.

356 Section 9. Subsection (1) of section 381.98, Florida
357 Statutes, is amended, paragraph (v) is added to subsection (6)
358 of that section, present subsection (10) of that section is
359 renumbered as subsection (12), and new subsections (10) and (11)
360 are added to that section, to read:

361 381.98 The Florida Public Health Foundation, Inc. ;
362 establishment; purpose; mission; duties; board of directors.--

363 (1) The Florida Public Health Foundation, Inc., referred
364 to in this section as "the corporation," is established for the
365 purpose of disseminating breakthrough findings in biomedical
366 research and promoting health awareness in this state and
367 providing services to the Department of Health.

368 (6) The affairs of the corporation shall be managed by an
369 executive director appointed by a board of directors consisting
370 of:

371 (v) A representative of the Florida Association of Health
372 Plans.

373 (10) The corporation may provide personnel to the
374 Department of Health for the purpose of performing duties and

375 responsibilities outlined in private and public grants received
 376 by the Department of Health. These personnel are not state
 377 employees and are not entitled to retirement credit and other
 378 benefits provided to state employees under chapters 110 and 112.
 379 These personnel shall perform services pursuant to an agreement
 380 between the corporation and the Department of Health.

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

387 Section 10. Subsection (3) is added to section 430.41,
 388 Florida Statutes, to read:

389 430.41 Grants and Donations Trust Fund.--

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

396 Section 11. Subsection (1) of section 561.121, Florida
 397 Statutes, is amended to read:

398 561.121 Deposit of revenue.--

399 (1) All state funds collected pursuant to ss. 563.05,
 400 564.06, and 565.12 shall be paid into the State Treasury and
 401 disbursed in the following manner:

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

407 ~~2. Beginning July 1, 2004, there is annually distributed~~
 408 ~~\$15 million to the Grants and Donations Trust Fund within the~~
 409 ~~Department of Elderly Affairs, and these funds are annually~~
 410 ~~appropriated to support a contract with the Johnnie B. Byrd,~~
 411 ~~Sr., Alzheimer's Center and Research Institute at the University~~
 412 ~~of South Florida for the purposes of conducting research,~~
 413 ~~developing and operating integrated data projects, and providing~~
 414 ~~assistance to memory disorder clinics as established in s.~~
 415 ~~430.502.~~

416 ~~3. Beginning July 1, 2004, there is annually distributed~~
 417 ~~\$6 million to the Biomedical Research Trust Fund within the~~
 418 ~~Department of Health, and these funds are annually appropriated~~
 419 ~~to the James and Esther King Biomedical Research Program. From~~
 420 ~~these funds, up to \$250,000 shall be available annually for the~~
 421 ~~operating costs of the Florida Center for Universal Research to~~
 422 ~~Eradicate Disease.~~

423 ~~4. Beginning July 1, 2004, there is annually distributed~~
 424 ~~\$9 million to be paid by warrant drawn by the Chief Financial~~
 425 ~~Officer upon the State Treasury to Florida State University for~~
 426 ~~the School of Chiropractic Medicine. Notwithstanding the~~
 427 ~~provisions of chapter 216, until the School of Chiropractic~~

428 ~~Medicine is completely staffed and fully operational, these~~
 429 ~~funds may be used for any purpose by the university.~~

430 (b) The remainder of the funds collected pursuant to ss.
 431 563.05, 564.06, and 565.12 ~~collection~~ shall be credited to the
 432 General Revenue Fund.

433 Section 12. Subsections (2) and (6) of section 1004.445,
 434 Florida Statutes, are amended, present subsections (8), (9), and
 435 (10) of that section are renumbered as subsections (9), (10),
 436 and (11), respectively, and new subsections (8), (12), (13),
 437 (14), and (15) are added to that section, to read:

438 1004.445 Johnnie B. Byrd, Sr., Alzheimer's Center and
 439 Research Institute.--

440 (2)(a) The State Board of Education shall enter into an
 441 agreement for the utilization of the facilities on the campus of
 442 the University of South Florida to be known as the Johnnie B.
 443 Byrd, Sr., Alzheimer's Center and Research Institute, including
 444 all furnishings, equipment, and other chattels used in the
 445 operation of those facilities, with a Florida not-for-profit
 446 corporation organized solely for the purpose of governing and
 447 operating the Johnnie B. Byrd, Sr., Alzheimer's Center and
 448 Research Institute. This not-for-profit corporation, acting as
 449 an instrumentality of the state, shall govern and operate the
 450 Johnnie B. Byrd, Sr., Alzheimer's Center and Research Institute
 451 in accordance with the terms of the agreement between the State
 452 Board of Education and the not-for-profit corporation. The not-
 453 for-profit corporation may, with the prior approval of the State
 454 Board of Education, create either for-profit or not-for-profit

455 corporate subsidiaries, or both, to fulfill its mission. The
456 not-for-profit corporation and its subsidiaries are authorized
457 to receive, hold, invest, and administer property and any moneys
458 acquired from private, local, state, and federal sources, as
459 well as technical and professional income generated or derived
460 from practice activities of the institute, for the benefit of
461 the institute and the fulfillment of its mission.

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

474 ~~2. The initial board of directors shall consist of the~~
475 ~~President of the University of South Florida and the chair of~~
476 ~~the State Board of Education, or their designees; the~~ Of the
477 five university representatives, ~~of whom~~ one shall be appointed
478 by the Governor, two by the President of the Senate, and two by
479 the Speaker of the House of Representatives; and of the nine
480 public representatives, ~~of whom~~ three shall be appointed by the
481 Governor, three by the President of the Senate, and three by the

482 Speaker of the House of Representatives. ~~Upon the expiration of~~
483 ~~the terms of the initial appointed directors, all directors~~
484 ~~subject to 3-year terms of office under this paragraph shall be~~
485 ~~appointed by a majority vote of the directors and the board may~~
486 ~~be expanded to include additional public representative~~
487 ~~directors up to the maximum number allowed.~~ Any vacancy in
488 office shall be filled in the same manner as the original
489 appointment ~~for the remainder of the term by majority vote of~~
490 ~~the directors.~~ Any director may be reappointed.

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

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

503 (b) The chief executive officer shall have control over
504 the budget and the moneys appropriated or donated to the
505 institute from private, local, state, and federal sources, as
506 well as technical and professional income generated or derived
507 from practice activities of the institute. However, professional
508 income generated by university faculty from practice activities

509 | at the institute shall be shared between the institute and the
510 | university as determined by the chief executive officer and the
511 | appropriate university dean or vice president.

512 | (c) The chief executive officer shall appoint
513 | representatives of the institute to carry out the research,
514 | patient care, and educational activities of the institute and
515 | establish the compensation, benefits, and terms of service of
516 | such representatives. Representatives of the institute shall be
517 | eligible to hold concurrent appointments at affiliated academic
518 | institutions. University faculty shall be eligible to hold
519 | concurrent appointments at the institute.

520 | (d) The chief executive officer shall have control over
521 | the use and assignment of space and equipment within the
522 | facilities.

523 | (e) The chief executive officer shall have the power to
524 | create the administrative structure necessary to carry out the
525 | mission of the institute.

526 | (f) The chief executive officer shall have a reporting
527 | relationship to the Commissioner of Education.

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

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

542 (8)(a) Applications for Alzheimer's disease research
543 funding may be submitted from any university or established
544 research institute in the state. All qualified investigators in
545 the state, regardless of institutional affiliation, shall have
546 equal access and opportunity to compete for the research
547 funding. Grants shall be awarded by the board of directors of
548 the not-for-profit corporation on the basis of scientific merit,
549 as determined by an open, competitive peer review process that
550 ensures objectivity, consistency, and high quality. The
551 following types of applications shall be considered for funding:

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

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

561 (c) To ensure that all proposals for research funding are
562 appropriate and are evaluated fairly on the basis of scientific

563 merit, the board of directors of the not-for-profit corporation,
564 in consultation with the council of scientific advisors, shall
565 appoint a peer review panel of independent, scientifically
566 qualified individuals to review the scientific content of each
567 proposal and establish its scientific priority score. The
568 priority scores shall be forwarded to the council and must be
569 considered by the board of directors of the not-for-profit
570 corporation in determining which proposals shall be recommended
571 for funding.

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

587 (12) Beginning in fiscal year 2006-2007, the sum of \$15
588 million is appropriated annually from recurring funds in the
589 General Revenue Fund to the Grants and Donations Trust Fund

590 within the Department of Elderly Affairs for the Johnnie B.
591 Byrd, Sr., Alzheimer's Center and Research Institute at the
592 University of South Florida for the purposes as provided under
593 paragraph (6) (a), conducting and supporting research, providing
594 institutional research grants and investigator-initiated
595 research grants, developing and operating integrated data
596 projects, and providing assistance to statutorily designated
597 memory disorder clinics as provided under s. 430.502. Not less
598 than 80 percent of the appropriated funds shall be expended for
599 these purposes and not less than 20 percent of the appropriated
600 funds shall be expended for peer-reviewed investigator-initiated
601 research grants.

602 (13) By June 1, 2009, the Division of Statutory Revision
603 of the Office of Legislative Services shall certify to the
604 President of the Senate and the Speaker of the House of
605 Representatives the language and statutory citation of this
606 section, which is scheduled to expire January 1, 2011.

607 (14) The Legislature shall review the performance, the
608 outcomes, and the financial management of the Johnnie B. Byrd,
609 Sr., Alzheimer's Center and Research Institute during the 2010
610 Regular Session of the Legislature and shall determine the most
611 appropriate funding source and means of funding the center and
612 institute based on its review.

613 (15) This section expires January 1, 2011, unless reviewed
614 and reenacted by the Legislature before that date.

615 Section 13. All appointments to the board of directors of
616 the not-for-profit corporation for the Johnnie B. Byrd, Sr.,

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

622 | Section 14. Except as otherwise expressly provided in this
623 | act and except for this section, which shall take effect upon
624 | this act becoming a law, this act shall take effect July 1,
625 | 2006.