

**By** the Committees on Government Efficiency Appropriations;  
Education; Health Care; and Senators Saunders, Fasano and  
Klein

593-2159-06

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

1 cancer research; providing procedures for  
2 awarding cancer research grants; providing for  
3 peer-review panels; providing requirements with  
4 respect to ethical conduct and conflicts of  
5 interest; providing for public records and  
6 meetings; requiring an annual report;  
7 authorizing the Legislature to annually  
8 appropriate funds for the William G. "Bill"  
9 Bankhead, Jr., and David Coley Cancer Research  
10 Program; providing for the repeal of s.  
11 381.922, F.S.; requiring the Legislature to  
12 review the program prior to the repeal;  
13 amending s. 381.98, F.S.; providing that a  
14 purpose of the Florida Public Health Foundation  
15 is to provide services to the Department of  
16 Health; allowing the foundation to provide  
17 personnel to the department for specified  
18 purposes; providing that such personnel are not  
19 state employees and are not entitled to state  
20 benefits; providing that the foundation may  
21 purchase goods, services, and property for use  
22 by the department; exempting such purchases  
23 from chs. 253, 255, and 287, F.S., and from  
24 control by the Department of Environmental  
25 Protection or the Department of Management  
26 Services; amending s. 561.121, F.S.;  
27 redistributing certain funds collected from  
28 taxes on alcoholic beverages; amending s.  
29 1004.445, F.S.; revising the method of  
30 appointing and filling vacancies on the board  
31 of directors of the Johnnie B. Byrd, Sr.,

1 Alzheimer's Center and Research Institute;  
2 requiring certain information in the annual  
3 report; requiring an annual operating budget;  
4 providing procedures for awarding of  
5 Alzheimer's disease research grants; providing  
6 for peer-review panels; providing requirements  
7 with respect to ethical conduct and conflicts  
8 of interest; providing for public records and  
9 meetings; providing for the repeal of s.  
10 1004.445, F.S.; requiring the Legislature to  
11 review the center and institute prior to the  
12 repeal; providing for transition to new  
13 appointments; providing an appropriation;  
14 providing effective dates.

15  
16 Be It Enacted by the Legislature of the State of Florida:

17  
18 Section 1. It is the intent of the Legislature to  
19 provide funding to support grants for biomedical research in  
20 this state with the anticipation that sustained funding for  
21 biomedical research over a period of years will lead to an  
22 alleviation of human suffering from diseases such as cancer  
23 and Alzheimer's disease. It is the intent of the Legislature  
24 to dramatically reduce this state's inordinately high cancer  
25 burden, reducing both cancer incidence and mortality, while  
26 advancing scientific endeavors in this state, making this  
27 state a world-class leader in cancer research and treatment.  
28 Further, it is the intent of the Legislature to address the  
29 debilitating and deadly effects of Alzheimer's disease by  
30 supporting research in Alzheimer's disease statewide through  
31 the awarding of research grants on a competitive basis.

1 Additionally, it is the intent of the Legislature to stimulate  
2 dramatic economic development, particularly in the  
3 biotechnology industry, through investment in this state's  
4 biomedical research.

5 Section 2. Paragraph (h) of subsection (1) of section  
6 20.435, Florida Statutes, is amended to read:

7 20.435 Department of Health; trust funds.--

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

10 (h) Biomedical Research Trust Fund.

11 1. Funds to be credited to the trust fund shall  
12 consist of funds deposited pursuant to ss. ~~s.~~ 215.5601 and  
13 381.922. Funds shall be used for the purposes of the William  
14 G. "Bill" Bankhead, Jr., and David Coley Cancer Research  
15 Program and the James and Esther King Biomedical Research  
16 Program as specified in ss. 215.5602 and 288.955. The trust  
17 fund is exempt from the service charges imposed by s. 215.20.

18 2. Notwithstanding the provisions of s. 216.301 and  
19 pursuant to s. 216.351, any balance in the trust fund at the  
20 end of any fiscal year shall remain in the trust fund at the  
21 end of the year and shall be available for carrying out the  
22 purposes of the trust fund. The department may invest these  
23 funds independently through the Chief Financial Officer or may  
24 negotiate a trust agreement with the State Board of  
25 Administration for the investment management of any balance in  
26 the trust fund.

27 3. Notwithstanding s. 216.301 and pursuant to s.  
28 216.351, any balance of any appropriation from the Biomedical  
29 Research Trust Fund which is not disbursed but which is  
30 obligated pursuant to contract or committed to be expended may  
31

1 be certified by the Governor for up to 3 years following the  
2 effective date of the original appropriation.

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

5 Section 3. Subsection (3) of section 215.5602, Florida  
6 Statutes, is amended, and subsections (11) and (12) are added  
7 to that section, to read:

8 215.5602 James and Esther King Biomedical Research  
9 Program.--

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

12 (a) The council shall consist of 11 ~~nine~~ members,  
13 including: the chief executive officer of the Florida Division  
14 of the American Cancer Society, or a designee; the chief  
15 executive officer of the Florida/Puerto Rico Affiliate of the  
16 American Heart Association, or a designee; and the chief  
17 executive officer of the American Lung Association of Florida,  
18 or a designee. ~~The Governor shall appoint the remaining eight~~  
19 ~~six~~ members of the council shall be appointed, as follows:

20 1. The Governor shall appoint four members, two  
21 members with expertise in the field of biomedical research,  
22 one member from a research university in the state, and one  
23 member representing the general population of the state.

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

28 3. The Speaker of the House of Representatives shall  
29 appoint two members, one member from a professional medical  
30 organization and one representative from a cancer program  
31 approved by the American College of Surgeons.

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

2           ~~5. One member representing the general population of~~  
3 ~~the state.~~

4  
5 In making these ~~his or her~~ appointments, the Governor, the  
6 President of the Senate, and the Speaker of the House of  
7 Representatives shall select primarily, but not exclusively,  
8 Floridians with biomedical and lay expertise in the general  
9 areas of cancer, cardiovascular disease, stroke, and pulmonary  
10 disease. The ~~Governor's~~ appointments shall be for a 3-year  
11 term and shall reflect the diversity of the state's  
12 population. An appointed ~~A council member appointed by the~~  
13 ~~Governor~~ may not serve more than two consecutive terms.

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

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

19           (d) Members of the council shall serve without  
20 compensation, but may receive reimbursement as provided in s.  
21 112.061 for travel and other necessary expenses incurred in  
22 the performance of their official duties.

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

26           (12) This section expires January 1, 2011. The  
27 Legislature shall review the performance, the outcomes, and  
28 the financial management of the James and Esther King  
29 Biomedical Research Program during the 2010 Regular Session of  
30 the Legislature and shall determine the most appropriate

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1 funding source and means of funding the program, based on its  
2 review.

3           Section 4. All appointments to the Biomedical Research  
4 Advisory Council for the James and Esther King Biomedical  
5 Research Program which were not made in accordance with s.  
6 215.5602, Florida Statutes, as amended by this act, shall  
7 expire June 30, 2006, but such appointees may continue to  
8 serve until their successors are appointed. This section shall  
9 take effect upon this act becoming a law.

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

13           381.855 Florida Center for Universal Research to  
14 Eradicate Disease.--

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

17           (a) The council shall consist of one representative  
18 from a Florida not-for-profit institution engaged in basic and  
19 clinical biomedical research and education which receives more  
20 than \$10 million in annual grant funding from the National  
21 Institutes of Health, to be appointed by the Secretary of  
22 Health from a different institution each term, and the members  
23 of the board of directors of the Florida Research Consortium  
24 and at least one representative from and appointed by each of  
25 the following entities:

26           ~~1. The Emerging Technology Commission.~~

27           ~~1.2.~~ Enterprise Florida, Inc.

28           ~~2.3.~~ BioFlorida.

29           ~~3.4.~~ The Biomedical Research Advisory Council.

30           ~~4.5.~~ The Florida Medical Foundation.

31

1           ~~5.6.~~ Pharmaceutical Research and Manufacturers of  
2 America.  
3           ~~7.~~ ~~The Florida Tri Agency Coalition on Smoking OR~~  
4 ~~Health.~~  
5           ~~6.8.~~ The Florida Cancer Council.  
6           ~~7.9.~~ The American Cancer Society, Florida Division,  
7 Inc.  
8           ~~8.10.~~ The American Heart Association.  
9           ~~9.11.~~ The American Lung Association of Florida.  
10           ~~10.12.~~ The American Diabetes Association, South  
11 Coastal Region.  
12           ~~11.13.~~ The Alzheimer's Association.  
13           ~~12.14.~~ The Epilepsy Foundation.  
14           ~~13.15.~~ The National Parkinson Foundation.  
15           ~~14.16.~~ The Florida Public Health Foundation, Inc.  
16           ~~15.17.~~ The Florida Research Consortium ~~Scripps Florida~~  
17 ~~or the entity formed in this state by The Scripps Research~~  
18 ~~Institute.~~  
19           (b) Members of the council shall serve without  
20 compensation, and each organization represented shall cover  
21 all expenses of its representative.  
22           (6) Members shall be appointed to 4-year terms of  
23 office. The members of the advisory council shall annually  
24 elect a chair from among the members of the advisory council.  
25 Any vacancy on the advisory council shall be filled in the  
26 same manner as the original appointment.  
27           (7) The advisory council shall meet at least annually,  
28 but may meet as often as it deems necessary to carry out its  
29 duties and responsibilities. The advisory council may take  
30 official action by a majority vote of the members present at  
31 any meeting at which a quorum is present.



1           Section 6. All appointments to the advisory council  
2 for the Florida Center for Universal Research to Eradicate  
3 Disease which were not made in accordance with s. 381.855,  
4 Florida Statutes, as amended by this act, shall expire June  
5 30, 2006, but such appointees may continue to serve until  
6 their successors are appointed. This section shall take effect  
7 upon this act becoming a law.

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

10           381.921 Florida Cancer Council mission and  
11 duties.--The council, which shall work in concert with the  
12 Florida Center for Universal Research to Eradicate Disease to  
13 ensure that the goals of the center are advanced, shall  
14 endeavor to dramatically improve cancer research and treatment  
15 in this state through:

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

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

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

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

27           (d) Encouraging the employment of bioinformatics in  
28 order to create a cancer informatics infrastructure that  
29 enhances information and resource exchange and integration  
30 through researchers working in diverse disciplines, to  
31 facilitate the full spectrum of cancer investigations;

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

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

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

9 381.922 William G. "Bill" Bankhead, Jr., and David  
10 Coley Cancer Research Program.--

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

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

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

22 (b) Preference may be given to grant proposals that  
23 foster collaborations among institutions, researchers, and  
24 community practitioners, as such proposals support the  
25 advancement of cures through basic or applied research,  
26 including clinical trials involving cancer patients and  
27 related networks.

28 (3)(a) Applications for funding for cancer research  
29 may be submitted by any university or established research  
30 institute in the state. All qualified investigators in the  
31 state, regardless of institutional affiliation, shall have

1 equal access and opportunity to compete for the research  
2 funding. Collaborative proposals, including those that advance  
3 the program's goals enumerated in subsection (2), may be given  
4 preference. Grants shall be awarded by the Secretary of  
5 Health, after consultation with the Biomedical Research  
6 Advisory Council, on the basis of scientific merit, as  
7 determined by an open, competitive peer-review process that  
8 ensures objectivity, consistency, and high quality. The  
9 following types of applications shall be considered for  
10 funding:

- 11 1. Investigator-initiated research grants.
- 12 2. Institutional research grants.
- 13 3. Collaborative research grants, including those that  
14 advance the finding of cures through basic or applied  
15 research.

16 (b) In order to ensure that all proposals for research  
17 funding are appropriate and are evaluated fairly on the basis  
18 of scientific merit, the Secretary of Health, in consultation  
19 with the council, shall appoint a peer-review panel of  
20 independent, scientifically qualified individuals to review  
21 the scientific content of each proposal and establish its  
22 priority score. The priority scores shall be forwarded to the  
23 council and must be considered in determining which proposals  
24 shall be recommended for funding.

25 (c) The council and the peer-review panel shall  
26 establish and follow rigorous guidelines for ethical conduct  
27 and adhere to a strict policy with regard to conflicts of  
28 interest. A member of the council or panel may not participate  
29 in any discussion or decision with respect to a research  
30 proposal by any firm, entity, or agency with which the member  
31 is associated as a member of the governing body or as an

1 employee or with which the member has entered into a  
2 contractual arrangement. Meetings of the council and the  
3 peer-review panels are subject to chapter 119, s. 286.011, and  
4 s. 24, Art. I of the State Constitution.

5 (4) By December 15 of each year, the Department of  
6 Health shall submit to the Governor, the President of the  
7 Senate, and the Speaker of the House of Representatives a  
8 report indicating progress towards the program's mission and  
9 making recommendations that further its purpose.

10 (5) The Legislature may annually appropriate funds to  
11 the Biomedical Research Trust Fund for the William G. "Bill"  
12 Bankhead, Jr., and Davis Coley Cancer Research Program for the  
13 purposes of this section.

14 (6) This section expires January 1, 2011. The  
15 Legislature shall review the performance, the outcomes, and  
16 the financial management of the William G. "Bill" Bankhead,  
17 Jr., and David Coley Cancer Research Program during the 2010  
18 Regular Session of the Legislature, and shall determine the  
19 most appropriate funding source and means of funding the  
20 program, based on its review.

21 Section 9. Subsection (1) of section 381.98, Florida  
22 Statutes, is amended, present subsection (10) of that section  
23 is redesignated as subsection (12), and new subsections (10)  
24 and (11) are added to that section, to read:

25 381.98 The Florida Public Health Foundation, Inc.;  
26 establishment; purpose; mission; duties; board of directors.--

27 (1) The Florida Public Health Foundation, Inc.,  
28 referred to in this section as "the corporation," is  
29 established for the purpose of disseminating breakthrough  
30 findings in biomedical research, ~~and~~ promoting health  
31

1 awareness in this state, and providing services to the  
2 Department of Health.

3 (10) The corporation may provide personnel to the  
4 Department of Health for purposes of performing duties and  
5 responsibilities outlined in private and public grants  
6 received by the Department of Health. Such personnel are not  
7 state employees and are not entitled to retirement credit and  
8 other benefits provided to state employees under chapters 110  
9 and 112. Such personnel shall perform services pursuant to an  
10 agreement between the corporation and the Department of  
11 Health.

12 (11) The corporation may purchase goods, services, and  
13 property for use by the Department of Health. Such purchases  
14 are not subject to chapter 253, chapter 255, or chapter 287 or  
15 to the control and direction of the Department of  
16 Environmental Protection or the Department of Management  
17 Services.

18 Section 10. Subsection (1) of section 561.121, Florida  
19 Statutes, is amended to read:

20 561.121 Deposit of revenue.--

21 (1) All state funds collected pursuant to ss. 563.05,  
22 564.06, and 565.12 shall be paid into the State Treasury and  
23 disbursed in the following manner:

24 (a)1. Two percent of monthly collections of the excise  
25 taxes on alcoholic beverages established in ss. 563.05,  
26 564.06, and 565.12 shall be deposited into the Alcoholic  
27 Beverage and Tobacco Trust Fund to meet the division's  
28 appropriation for the state fiscal year.

29 2. Beginning July 1, 2004, there is annually  
30 distributed \$15 million to the Grants and Donations Trust Fund  
31 within the Department of Elderly Affairs, and these funds are

1 annually appropriated to support a contract with the Johnnie  
2 B. Byrd, Sr., Alzheimer's Center and Research Institute at the  
3 University of South Florida for the purposes of conducting  
4 research, providing grants to researchers, developing and  
5 operating integrated data projects, and providing assistance  
6 to memory disorder clinics as established in s. 430.502. Not  
7 less than 80 percent of these funds shall be distributed  
8 annually by the center as institutional research grants or  
9 investigator-initiated research grants.

10 3. Beginning July 1, 2004, there is annually  
11 distributed \$6 million to the Biomedical Research Trust Fund  
12 within the Department of Health, and these funds are annually  
13 appropriated to the James and Esther King Biomedical Research  
14 Program. From these funds, up to \$250,000 shall be available  
15 annually for the operating costs of the Florida Center for  
16 Universal Research to Eradicate Disease.

17 ~~4. Beginning July 1, 2004, there is annually~~  
18 ~~distributed \$9 million to be paid by warrant drawn by the~~  
19 ~~Chief Financial Officer upon the State Treasury to Florida~~  
20 ~~State University for the School of Chiropractic Medicine.~~  
21 ~~Notwithstanding the provisions of chapter 216, until the~~  
22 ~~School of Chiropractic Medicine is completely staffed and~~  
23 ~~fully operational, these funds may be used for any purpose by~~  
24 ~~the university.~~

25 (b) The remainder of the funds collected pursuant to  
26 ss. 563.05, 564.06, and 565.12 collection shall be credited to  
27 the General Revenue Fund.

28 Section 11. Subsections (2) and (6) of section  
29 1004.445, Florida Statutes, are amended, present subsections  
30 (8), (9), and (10) are renumbered as subsections (9), (10),  
31

1 and (11), respectively, and new subsections (8) and (12) are  
2 added to that section, to read:

3           1004.445 Johnnie B. Byrd, Sr., Alzheimer's Center and  
4 Research Institute.--

5           (2)(a) The State Board of Education shall enter into  
6 an agreement for the utilization of the facilities on the  
7 campus of the University of South Florida to be known as the  
8 Johnnie B. Byrd, Sr., Alzheimer's Center and Research  
9 Institute, including all furnishings, equipment, and other  
10 chattels used in the operation of those facilities, with a  
11 Florida not-for-profit corporation organized solely for the  
12 purpose of governing and operating the Johnnie B. Byrd, Sr.,  
13 Alzheimer's Center and Research Institute. This not-for-profit  
14 corporation, acting as an instrumentality of the state, shall  
15 govern and operate the Johnnie B. Byrd, Sr., Alzheimer's  
16 Center and Research Institute in accordance with the terms of  
17 the agreement between the State Board of Education and the  
18 not-for-profit corporation. The not-for-profit corporation  
19 may, with the prior approval of the State Board of Education,  
20 create either for-profit or not-for-profit corporate  
21 subsidiaries, or both, to fulfill its mission. The  
22 not-for-profit corporation and its subsidiaries are authorized  
23 to receive, hold, invest, and administer property and any  
24 moneys acquired from private, local, state, and federal  
25 sources, as well as technical and professional income  
26 generated or derived from practice activities of the  
27 institute, for the benefit of the institute and the  
28 fulfillment of its mission.

29           (b)~~1-~~ The affairs of the not-for-profit corporation  
30 shall be managed by a board of directors who shall serve  
31 without compensation. The board of directors shall consist of

1 the President of the University of South Florida and the chair  
2 of the State Board of Education, or their designees, five 5  
3 representatives of the state universities, and nine ~~no fewer~~  
4 ~~than 9 nor more than 14~~ representatives of the public who are  
5 neither medical doctors nor state employees. Each director who  
6 is a representative of a state university or of the public  
7 shall be appointed to serve a term of 3 years. The chair of  
8 the board of directors shall be selected by a majority vote of  
9 the directors. Each director shall have only one vote.

10 ~~2. The initial board of directors shall consist of the~~  
11 ~~President of the University of South Florida and the chair of~~  
12 ~~the State Board of Education, or their designees; the~~ Of the  
13 five university representatives, ~~of whom~~ one shall be  
14 appointed by the Governor, two by the President of the Senate,  
15 and two by the Speaker of the House of Representatives; and of  
16 the nine public representatives, ~~of whom~~ three shall be  
17 appointed by the Governor, three by the President of the  
18 Senate, and three by the Speaker of the House of  
19 Representatives. ~~Upon the expiration of the terms of the~~  
20 ~~initial appointed directors, all directors subject to 3 year~~  
21 ~~terms of office under this paragraph shall be appointed by a~~  
22 ~~majority vote of the directors and the board may be expanded~~  
23 ~~to include additional public representative directors up to~~  
24 ~~the maximum number allowed.~~ Any vacancy in office shall be  
25 filled in the same manner as the original appointment for the  
26 ~~remainder of the term by majority vote of the directors.~~ Any  
27 director may be reappointed.

28 (6) The institute shall be administered by a chief  
29 executive officer, who shall be appointed by and serve at the  
30 pleasure of the board of directors of the not-for-profit  
31



1 corporation, and who shall exercise the following powers and  
2 duties, subject to the approval of the board of directors:

3 (a) The chief executive officer shall establish  
4 programs that fulfill the mission of the institute in  
5 research, education, treatment, prevention, and early  
6 detection of Alzheimer's disease; however, the chief executive  
7 officer may not establish academic programs for which academic  
8 credit is awarded and which culminate in the conferring of a  
9 degree, without prior approval of the State Board of  
10 Education.

11 (b) The chief executive officer shall have control  
12 over the budget and the moneys appropriated or donated to the  
13 institute from private, local, state, and federal sources, as  
14 well as technical and professional income generated or derived  
15 from practice activities of the institute. However,  
16 professional income generated by university faculty from  
17 practice activities at the institute shall be shared between  
18 the institute and the university as determined by the chief  
19 executive officer and the appropriate university dean or vice  
20 president.

21 (c) The chief executive officer shall appoint  
22 representatives of the institute to carry out the research,  
23 patient care, and educational activities of the institute and  
24 establish the compensation, benefits, and terms of service of  
25 such representatives. Representatives of the institute shall  
26 be eligible to hold concurrent appointments at affiliated  
27 academic institutions. University faculty shall be eligible to  
28 hold concurrent appointments at the institute.

29 (d) The chief executive officer shall have control  
30 over the use and assignment of space and equipment within the  
31 facilities.

1 (e) The chief executive officer shall have the power  
2 to create the administrative structure necessary to carry out  
3 the mission of the institute.

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

6 (g) The chief executive officer shall provide a copy  
7 of the institute's annual report to the Governor and Cabinet,  
8 the President of the Senate, the Speaker of the House of  
9 Representatives, and the chair of the State Board of  
10 Education. The annual report shall describe the expenditure of  
11 all funds and shall provide information regarding research  
12 that has been conducted or funded by the center, as well as  
13 the expected and actual results of such research.

14 (h) By August 1 of each year, the chief executive  
15 officer shall develop and submit to the Governor and Cabinet,  
16 the President of the Senate, the Speaker of the House of  
17 Representatives, and the chair of the State Board of Education  
18 an annual operating budget detailing the planned use of state,  
19 federal, and private funds for the fiscal year.

20 (8)(a) Applications for Alzheimer's disease research  
21 funding may be submitted from any university or established  
22 research institute in the state. All qualified investigators  
23 in the state, regardless of institutional affiliation, shall  
24 have equal access and opportunity to compete for the research  
25 funding. Grants shall be awarded by the board of directors of  
26 the not-for-profit corporation on the basis of scientific  
27 merit, as determined by an open, competitive peer-review  
28 process that ensures objectivity, consistency, and high  
29 quality. The following types of applications shall be  
30 considered for funding:

- 31 1. Investigator-initiated research grants.

1           2. Institutional research grants.  
2           (b) To ensure that all proposals for research funding  
3 are appropriate and are evaluated fairly on the basis of  
4 scientific merit, the board of directors of the not-for-profit  
5 corporation, in consultation with the council of scientific  
6 advisors, shall appoint a peer-review panel of independent,  
7 scientifically qualified individuals to review the scientific  
8 content of each proposal and establish its scientific priority  
9 score. The priority scores shall be forwarded to the council  
10 and must be considered in determining which proposals shall be  
11 recommended for funding.

12           (c) The council of scientific advisors and the  
13 peer-review panel shall establish and follow rigorous  
14 guidelines for ethical conduct and adhere to a strict policy  
15 with regard to conflict of interest. All employees, members of  
16 the board of directors, and affiliates of the not-for-profit  
17 corporation shall follow the same rigorous guidelines for  
18 ethical conduct and shall adhere to the same strict policy  
19 with regard to conflict of interest. A member of the council  
20 or panel may not participate in any discussion or decision  
21 with respect to a research proposal by any firm, entity, or  
22 agency with which the member is associated as a member of the  
23 governing body or as an employee or with which the member has  
24 entered into a contractual arrangement. Meetings of the  
25 council and the peer-review panels are subject to chapter 119,  
26 s. 286.011, and s. 24, Art. I of the State Constitution.

27           (12) This section expires January 1, 2011. The  
28 Legislature shall review the performance, the outcomes, and  
29 the financial management of the Johnnie B. Byrd, Sr.,  
30 Alzheimer's Center and Research Institute during the 2010  
31 Regular Session of the Legislature, and shall determine the

1 most appropriate funding source and means of funding the  
2 center and institute, based on its review.

3       Section 12. All appointments to the board of directors  
4 of the not-for-profit corporation for the Johnnie B. Byrd,  
5 Sr., Alzheimer's Center and Research Institute that were not  
6 made in accordance with s. 1004.445, Florida Statutes, as  
7 amended by this act, shall expire June 30, 2006, but such  
8 appointees may continue to serve until their successors are  
9 appointed. This section shall take effect upon this act  
10 becoming a law.

11       Section 13. The sum of \$9 million is appropriated from  
12 the General Revenue Fund to the Biomedical Research Trust Fund  
13 within the Department of Health for purposes of the William G.  
14 "Bill" Bankhead, Jr., and David Coley Cancer Research Program  
15 for the 2006-2007 fiscal year, and shall be distributed  
16 pursuant to s. 381.922, Florida Statutes, to provide grants to  
17 researchers seeking cures for cancer, with emphasis given to  
18 the goals enumerated in s. 381.921, Florida Statutes. From the  
19 total funds appropriated, an amount of up to 10 percent may be  
20 used for administrative expenses.

21       Section 14. Except as otherwise expressly provided in  
22 this act and except for this section, which shall take effect  
23 upon this act becoming a law, this act shall take effect July  
24 1, 2006.  
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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
COMMITTEE SUBSTITUTE FOR  
CS/CS/SB 1826

The Committee Substitute makes the following changes to  
CS/CS/SB 1826:

- 1) Restores the annual distribution of alcoholic beverage tax collections from the State Treasury and deletes the appropriation from general revenue for the following programs:
  - a. \$6 million for the James and Esther King Biomedical Research Program, with up to \$250,000 of that amount designated for operation of the Center for Universal Research to Eradicate Disease (CURED), and
  - b. \$15 million for the Johnnie B. Byrd, Sr., Alzheimer's Center and Research Institute, requiring 80 percent of those funds to be distributed as grants to researchers.
- 2) Provides for repeal of the James and Esther King Biomedical Research Program, the Johnnie B. Byrd, Sr., Alzheimer's Center and Research Institute, and the Bankhead and Coley Cancer Research Program on January 1, 2011, and requires the Legislature to review the programs in the 2010 Regular Session. Based upon its review of the performance, the outcomes, and the financial management of the programs/center, the Legislature will determine the most appropriate funding source and means of funding the programs/center.
- 3) Revises the duties of the Florida Public Health Foundation to allow the foundation to provide services and personnel to the Department of Health. The provision of the personnel and services would be exempt from chs. 110, 112, 253, 255, and 287, F.S.